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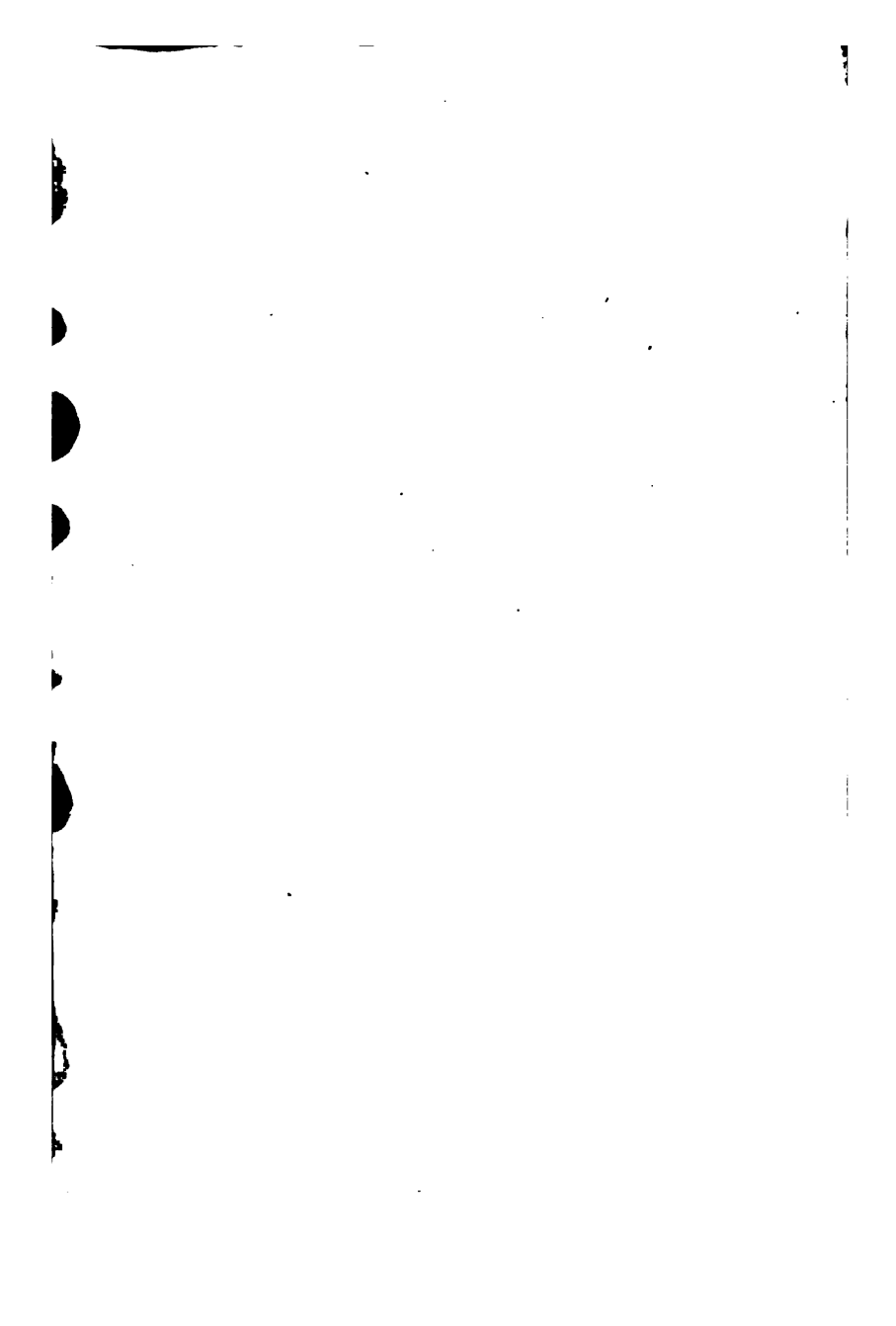
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California. Laws, statutes, etc. Compilations

GENERAL LAWS

OF

C/

CALIFORNIA.

AS AMENDED UP TO THE END OF THE SESSION OF 1903.

CONTAINING THE LAWS THAT ARE IN COMMON USE IN FULL,
WITH REFERENCES TO OTHER GENERAL LAWS IN
FORCE, AND ALSO TO SPECIAL LAWS.

EDITED BY
JAMES H. DEERING,
Of the San Francisco Bar.

STATUTORY HISTORY AND CITATION DIGEST BY
WALTER S. BRANN,
Of the San Francisco Bar.

SAN FRANCISCO.
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PREFACE.

We desire to call attention to the system of numbering each of the acts of the legislature referred to and published in this book. The purpose of so numbering them is to provide a convenient system of citing these laws. By citing them by number much time and confusion will be saved.

This method of numbering the statutes has been followed in several of the eastern states, and has resulted in great simplicity and certainty in referring to them. It could be adopted in this state with advantage both to the legislatures and those making use of the published statutes.

The editors have been greatly assisted in the compilation of this work by the very able and exhaustive report on the statutes in force by Messrs. A. C. Freeman, W. C. Van Fleet, and George J. Denis, the commissioners for the revision and reform of the law.

Much of the historical matter and a large number of the notes contained in it have been taken from this report. It is regarded as so valuable and of such great practical utility that it is incorporated in this work in the Appendix.

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GENERAL LAWS

OF THE

STATE OF CALIFORNIA

TITLE 1.

ABORTION.

ACT 1.

To suppress injurious publications. [Stats. 1858, 204.]

This was an act to prevent advertising to procure abortions. It was superseded by Penal Code, sec. 317.

TITLE 2.

ACCORD AND SATISFACTION.

ACT 6.

For the relief of debtors. [Stats. 1867-8, 31.]

This act permitted the discharge of the whole of a debt on payment of part. It was superseded by Civil Code, secs. 1521-1524. Cal.Rep.Cit. 45, 371.

TITLE 3.

ACCOUNTANTS.

ACT 12.

An act to create a state board of accountancy and prescribe its duties and powers; to provide for the examination of and issuance of certificates to qualified applicants, with the designation of certified public accountant; and to provide the grade of penalty for violations of the provisions hereof.

[Approved March 23, 1901; Stats. 1901, 645.]

The people of the state of California, represented in senate and assembly, do enact as follows:

Gen. Laws—1

Section 1. Within thirty days after the passage of this act the governor shall appoint five persons, at least three of whom shall be competent and skilled public accountants who shall have been in practice as such in this state for not less than five consecutive years, to constitute and serve as a state board of accountancy. The members of such board shall, within thirty days after their appointment, take and subscribe to the oath of office as prescribed by the Political Code, and file the same with the secretary of state. They shall hold office for four years, and until their successors are appointed and qualified; save and except that one of the members of the board first to be appointed under this act shall hold office for one year; one for two years; one for three years, and two for four years. Any vacancies that may occur, from any cause, shall be filled by the governor for the unexpired term; provided, that all appointments made after the first year must be made from the roll of certificates issued and on file in the office of the governor.

Sec. 2. The state board of accountancy shall have its office in the city and county of San Francisco, and its powers and duties shall be as follows:

1. To formulate rules for the government of the board and for the examination of and granting of certificates of qualification to persons applying therefor;

2. To hold written examinations of applicants for such certificates, at least semi-annually, at such places as circumstances and applications may warrant;

3. To grant certificates of qualification to such applicants as may, upon examination, be found qualified in "theory of accounts," "practical accounting," "auditing," and "commercial law," to practice as certified public accountants;

4. To charge and collect from all applicants such fee, not exceeding twenty-five dollars, as may be necessary to meet the expenses of examination, issuance of certificates and conducting its office; provided, that all such expenses, including not exceeding five dollars per day for each member while attending the sessions of the board or conducting examinations, must be paid from the current receipts, and no portion thereof shall ever be paid from the state treasury;

5. To require the annual renewal of all such certificates, and to collect therefor a renewal fee of not exceeding one dollar;

6. To revoke for cause any such certificate, after written notice to the holder, and a hearing being had thereon; provided, that such revocation must receive the affirmative vote of at least four members of the board;

7. To report annually to the governor, on or before the first day of December, all such certificates issued or renewed, together with a detailed statement of receipts and disbursements; provided, that any balance remaining in excess of the expenses incurred may be retained by the board and used in defraying the future expenses thereof;

8. The board may, in its discretion, under regulations provided by its rules, waive the examination of applicants possessing the qualifications mentioned in section three, who shall have been for more than three years prior to the passage of this act practicing in this state as public accountants on their own account, and who shall, in writing, apply for such certificates within one year thereafter.

Sec. 3. Any citizen of the United States, or any person who has duly declared his intention of becoming such citizen, residing and doing business in this state, being over the age of twenty-one years and of good moral character, may apply to the state board of accountancy for examination under its rules, and for the issuance to him of a certificate of qualification to practice as a certified public accountant, and upon the issuance and receipt of such certificate, and during the period of its existence, or of any renewal thereof, he shall be styled and known as a certified public accountant or expert of accounts, and no other person shall be permitted to assume and use such title or to use any words, letters or figures to indicate that the person using the same is a certified public accountant.

Sec. 4. Any violation of the provisions of this act shall be deemed a misdemeanor.

Sec. 5. This act shall take effect from and after its passage.

TITLE 4.
ACKNOWLEDGMENTS.

The legislature at various times has passed statutes validating acknowledgments. See Civil Code, sec. 1207.

Consult the following acts in this connection:

ACT 16.

Legalizing acknowledgments of deeds. [Stats. 1852, p. 166.]

This act legalized acknowledgments taken by recorders before March 26, 1851.

ACT 17.

To legalize certain acknowledgments. [Stats. 1859, p. 212.]

This act legalized acknowledgments taken by deputy clerks of the superior court and deputy county recorders.

ACT 18.

Concerning certain acknowledgments of deeds and other instruments in writing, affecting real estate. [Stats. 1860, 179.]

This act provided for correcting defective certificates. It was superseded by Civil Code, sec. 1202.

ACT 19.

To legalize certain acknowledgments, required by section 2 of an act to provide for the formation of chambers of commerce, boards of trade, mechanics' institutes and similar protective associations. [Stats. 1885, p. 55.]

This act appears in full in Civil Code, Appendix, p. 685.

ACT 20.

To legalize certain acknowledgments. [Stats. 1891, p. 20.]

Superseded 1897, 29, chap. XXXII.

This act legalized acknowledgments by court commissioners.

Cal.Rep.Cit. 97, 483; 108, 145.

ACT 21.

To legalize certain acknowledgments. [Stats. 1897, p. 29.]

This act legalized acknowledgments before court commissioners and county clerks.

**TITLE 5.
ADOPTION.**

ACT 26.

Providing for the adoption of minors and the legitimizing children born out of wedlock. [Stats. 1869-70, 530.]

Superseded by Civil Code.

Cal.Rep.Cit. 81, 420; 81, 441; 81, 446.

ACT 27.

To authorize managers of orphan asylums to give their consent to the adoption of children under their care. [Stats. 1877-8, p. 963.]

See Civ. Code, sec. 224; amended 1895, 39.

Cal.Rep.Cit. 65, 382.

**TITLE 6.
ADULTERATION.**

ACT 32.

To prevent fraud and deception in the manufacture and sale of butter and cheese. [Stats. 1881, p. 14.]

Superseded by 1895, 41; 1897, 65.

ACT 33.

To prevent deception in the manufacture and sale of butter and cheese and to secure its enforcement. [Stats. 1895, p. 41.]

Repealed in effect 1897, 65.

ACT 34.

To prevent deception in the manufacture and sale of butter and cheese, to secure its enforcement and to appropriate money therefor. [Stats. 1897, p. 65.]

This act is in full in the Appendix to the Penal Code, p. 574.

ACT 35.

To provide against the adulteration of food and drugs. [Stats. 1895, p. 71.]

This act is in full in the Appendix to the Penal Code, p. 557.

ACT 36.

To prevent the adulteration of food and liquors. [Stats. 1862, 484.]

Superseded by Penal Code, sec. 382.

ACT 37.

To prevent the sale of imitation or adulterated honey.
[Stats. 1895, p. 94.]

Superseded 1897, 12.

ACT 38.

To prohibit the adulteration of honey, and to provide a punishment therefor. [Stats. 1897, p. 12.]

This act is in full in the Appendix to the Penal Code, p. 559.

ACT 39.

To protect and encourage the production and sale of pure and wholesome milk, and to prohibit and punish the production or sale of unwholesome or adulterated milk. [Stats. 1869-70, 298.]

Superseded by Penal Code, sec. 382.

ACT 40.

To provide for analyzing minerals, mineral waters, and other liquids, and medicinal plants, and of foods and drugs, to prevent the adulteration of the same. [Stats. 1885, p. 43.]

This act appears in full in Political Code, Appendix, p. 1111.

ACT 41.

To regulate the sale of imitation olive oil. [Stats. 1893, p. 210.]

This act is in full in the Appendix to the Penal Code, p. 638.

ACT 42.

To prohibit and punish the sale of adulterated syrup.
[Stats. 1877-8, p. 695.]

This act is in full in the Appendix to the Penal Code, p. 551.

ACT 43.

To prohibit the sale and disposal of adulterated spirituous or alcoholic liquors, wines or cider. [Stats. 1860, 186.]

Superseded by Penal Code, sec. 382.

ACT 44.

To prohibit the sophistication and adulteration of wine and to prevent fraud in the manufacture and sale thereof. [Stats. 1887, p. 46.]

This act is in full in the Appendix to the Penal Code, p. 551.

Cal.Rep.Cit. 74, 29; 74, 39; 102, 164.

TITLE 7.

ADULTERY.

ACT 49.

Adultery, act to punish. [Stats. 1871-2, p. 380.]

This act appears in full in the Penal Code, Appendix, p. 560.

TITLE 8.

AGED PERSONS.

See Home of Adult Blind; Veterans' Home Association.

ACT 54.

To appropriate money for the support of aged persons in indigent circumstances, [Approved March 15, 1883. Stats. 1883, 380.]

Repealed 1895, 28.

This act provided for an appropriation of one hundred dollars for every aged person, minor, orphan, half orphan, or abandoned child maintained in any institution.

Cal.Rep.Cit. 69, 74; 77, 134; 114, 395; 123, 151.

TITLE 9.

AGENTS.

ACT 59.

Relating to advances, bona fide, made to agents intrusted with goods, and for the better protection of such advances. [Stats. 1877-8, p. 835.]

Repealed 1880, 120.

Cal.Rep.Cit. 66, 308.

TITLE 10.

AGRICULTURE.

See Fruit Trees and Vines; Horticulture; Silk Culture; Viticulture.

ACT 64.

An act to authorize state agricultural societies under the control of the state to sell property held by them in fee, or held by trustees for their use, or in which they may have any interest; to prescribe a course of procedure therefor; to indemnify purchasers at such sale, and to direct how the proceeds shall be applied.

[Stat. approved February 25, 1897. Stats. 1897, 30.

Amended 1899, 106.]

Section 1. Whenever any state agricultural society under state control shall desire to sell the whole or any portion of its real estate held by it in fee, or by a trustee for its use, or in which it may have any title, interest, or claim, it shall be lawful for such society or association to file its complaint in the superior court of the county in which such lands are situated, setting forth the nature of the title under which the land to be affected by the decree of the court is held, and what claim such society or association has therein; and that it is the desire of such society or association to sell such real estate, and praying for judgment authorizing it to sell the same. In such action the trustee or trustees holding title in trust for such society or association, or their successors, or the survivor or survivors of them, or such other persons deriving title from the trustees, as the case shall require, shall be made parties defendant; and upon the service of the summons upon such defendants personally or by publication, or upon their appearance, the court shall have full jurisdiction in the premises. Such society or association may include as defendants in such action in addition to such persons or parties as appear of record to have, and other persons or parties who are known to have, some claim in or lien on the lands described in the complaint; also all other persons or parties unknown, claiming any right, interest, or lien in such land, and the plaintiff may describe such defendants in the complaint as follows:

"Also all other persons or parties, unknown, claiming any right, title, estate, lien, or interest in the real estate described in the complaint herein." Service of the summons may be had upon all such unknown persons or parties defendant by publication, as provided by law in case of non-resident defendants. All such unknown persons or parties so served shall have the same rights as are provided by law in case of all the other defendants upon whom service is made by publication or personally and the action shall proceed against such unknown persons or parties in the same manner as against the defendants who are named, upon whom service is made by publication, and with like effect; and any such unknown persons or parties who have or claim any right, estate, lien, or interest in the said property in controversy at the time of the commencement of the action, duly served as afore-

said, shall be bound and concluded by the judgment in such action as effectually as if the action was brought against such defendant by his or her name, and personal service of the summons obtained, notwithstanding any such unknown person may be under legal disability. The court shall have full power and authority to order the property sold. In case of a sale, the court shall appoint a commissioner to make the sale, and shall direct the manner in which the sale shall be conducted; provided, that when any property is held in trust by any such agricultural society or association, such property held in trust shall be sold separately from any that may be held in fee. The commissioner shall make a report of sale to the court, which, after such notice as it may deem proper, shall proceed to hear the same, and if it finds that the sale was fairly conducted, and the price bid was proportionate to the value of the land sold, it shall make and enter a decree confirming the sale, and directing the commissioner to execute a deed to the purchaser. The deed executed by said commissioner, under and in pursuance of the decree of the court, shall be valid and effectual to convey to the purchaser an absolute title in fee simple to the premises; provided, however, that before the filing of any such complaint in the superior or any other court, it shall be necessary for such agricultural society, or any person or corporation claiming the title to such land, to prepare, sign, and properly acknowledge a good and sufficient deed or deeds sufficient to vest in the state all title, interest, or claim which such society may have in and to any land to be affected by the proceedings hereby authorized to be instituted; such deed or deeds to be conditioned that the title, claim, or interest of such society embraced in such deed or deeds shall be held by the state of California in trust for the benefit of such society; which said deed or deeds shall be deposited with the state treasurer, to be by him held in escrow pending the final conclusion of such proceedings in such court. If the court in which such proceedings are had shall order such land to be sold, as herein provided for, the state treasurer shall forthwith file such deed or deeds with the county recorder of the county, or city and county, in which such land is located. If there be any liens upon or claims against the property, the court shall order them paid out of the proceeds of sale.

The residue remaining, after paying the costs and expenses of sale and such liens and claims against the property as the court may order paid, shall be paid into the state treasury, where it shall remain until required for the purchase of other property for the use of such society or association, upon the order of the state controller; and it shall be drawn therefrom only upon authorization passed by the board of directors or trustees of such society or association, by and with the approval of the state board of examiners, and upon warrants duly drawn by the state controller. If, through any defects in the proceedings, or otherwise, the title should not pass, the state will indemnify the purchaser by repaying to him the amount paid by him; provided, such purchaser or purchasers shall file their claim or claims for the repayment of such purchase price with the state board of examiners within five years after the payment of such purchase price to the state treasurer in the first instance. The surplus of proceeds of sale, paid into the state treasury, shall be drawn out on certificate, signed by a majority of the directors, or governing body of such society or association, and also of the state board of examiners, stating that it is desired for the payment for other property for the use of such agricultural society; and upon receipt of such certificate, the treasurer shall pay to the said directors, or governing body, or person designated by them, all or such part of such surplus as may be required for the purchase of other property; provided, however, that if all or any portion of the real estate, and the improvements thereon held by any state agricultural society under state control, shall have been acquired in the name of such society, or of any person, association, or corporation, in trust for the use of said, or any other agricultural society, originally, or at any time, by the use of money derived from taxation of the taxable property of any city and county, county, or city, then, and in that event, the surplus proceeds of any sale of such property shall be invested in other real estate, within the same county, or city and county, for the same purpose, and not otherwise, or elsewhere. It is expressly provided that in no event shall the state be liable for the payment of any expense, interest, or attorneys' fees, incurred by any one, on any account, by or on behalf of any such agricultural society in their behalf; and it shall be incumbent

on such society to make provision for the payment of the expenses, costs, attorneys' fees, and any interest that may be necessary to be paid any purchaser, by reason of repayment of any purchase money on account of failure of title to such lands; such provision for the payment of expenses, attorneys' fees, costs, and anticipated interest to be provided for prior to the issue of any summons, or order of publication in any action contemplated by this act. [Amended March 16, 1899. Stats. 1899, 106.]

Sec. 2. If any real estate contemplated in the preceding section, purchased by the proceeds of taxes levied upon and collected from the taxable property of any city and county, county, or city, shall have been ordered sold, as in said section provided, and shall have been offered for sale in the mode therein specified, for a period of sixty days or more, and not all sold for want of an adequate price, the board of directors, or governing body of such society or association, shall be, and they are hereby authorized and empowered to exchange all or any part of such real estate for other land suitable for the use of such society, or association, within the same county, or city and county, upon such terms as may be reasonable and just, and the deed or deeds executed for the conveyance of such real estate in exchange shall be executed by the board of directors of such society or association, or a majority thereof, and by the commissioner appointed in the proceedings provided for in the preceding section for the sale of such property, and such exchange of property shall be subject to, and with the approval of a judge of the superior court of the county, or city and county, in which the proceedings provided for were had. [New section added March 16, 1899. Stats. 1899, 108.]

Sec. 3. In case of the exchange of any portion of such property, as provided for in section two hereof, the real estate received in such exchange shall be subject to the indemnification of any person who shall receive any of the said real estate of said agricultural society in such exchange in case of any defect in the proceedings, or otherwise, whereby the title to such real estate of such society should not pass, and in such case of exchange the state of California shall be absolved from any obligation to pay any part of any purchase price, or value of exchanged property; provided further, that no claims for

failure of title for any reason shall be entertained after five years from the date of such exchange. [New section added March 16, 1899. Stats. 1899, 109.]

Sec. 4. This act shall take effect immediately from and after its passage.

Prior acts relating to agricultural societies:

ACT 65.

To incorporate a state agricultural society. [Stats. 1854, 56.]

Amended 1858, 80; 1863, 50. Supp. 1863, 49, 259.

These acts were continued in force by Political Code, sec. 2326.

Cal. Rep. Cit. 121, 19.

ACT 66.

Concerning agricultural societies. [Stats. 1859, 104.]

Amended 1862, 37; 1869-70, 31; 1877-8, 84.

This act provided for the formation of agricultural societies by any seven or more persons and for their powers and government.

ACT 67.

Providing for the management and control of the state agricultural society. [Stats. 1880, p. 49.]

Cal. Rep. Cit. 85, 510; 121, 19.

ACT 68.

An act entitled an act to form agricultural districts, to provide for formation of agricultural associations therein, and for the management and control of the same by the state, and to repeal all acts and parts of acts in conflict with this act.

[Stat. approved March 31, 1897. Stats. 1897, 304. Amended 1901, 304.]

Section 1. The several counties of this state are divided and classified into agricultural districts and numbered as follows, to-wit:

The counties of San Francisco and Alameda shall constitute agricultural district No. 1.

The county of San Joaquin shall constitute agricultural district No. 2.

The county of Butte shall constitute agricultural district No. 3.

The counties of Sonoma and Marin shall constitute agricultural district No. 4.

The counties of San Mateo and Santa Clara shall constitute agricultural district No. 5.

The county of Los Angeles shall constitute agricultural district No. 6.

The county of Monterey shall constitute agricultural district No. 7.

The county of El Dorado shall constitute agricultural district No. 8.

The county of Humboldt shall constitute agricultural district No. 9.

The county of Siskiyou shall constitute agricultural district No. 10.

The counties of Plumas and Sierra shall constitute agricultural district No. 11; provided that the first fair held in the eleventh agricultural district after the passage of this act shall be held in Sierra County; the next fair in Plumas County, and thereafter said counties shall so alternate in holding such fairs.

The county of Lake shall constitute agricultural district No. 12.

The counties of Sutter and Yuba shall constitute agricultural district No. 13.

The county of Santa Cruz shall constitute agricultural district No. 14.

The county of Kern shall constitute agricultural district No. 15.

The county of San Luis Obispo shall constitute agricultural district No. 16.

The county of Nevada shall constitute agricultural district No. 17.

The counties of Mono, Inyo, and Alpine shall constitute agricultural district No. 18.

All that portion of Santa Barbara County lying east of the Gaviota and south of the Santa Ynez Mountains, shall constitute agricultural district No. 19.

The county of Placer shall constitute agricultural district No. 20.

The counties of Fresno and Madera shall constitute agricultural district No. 21.

The county of San Diego shall constitute agricultural district No. 22.

The county of Contra Costa shall constitute agricultural district No. 23.

The counties of Tulare and Kings shall constitute agricultural district No. 24.

The county of Napa shall constitute agricultural district No. 25.

The county of Amador shall constitute agricultural district No. 26.

The counties of Shasta and Trinity shall constitute agricultural district No. 27.

The counties of San Bernardino and Riverside shall constitute agricultural district No. 28.

The county of Tuolumne shall constitute agricultural district No. 29.

The county of Tehama shall constitute agricultural district No. 30.

The county of Ventura shall constitute agricultural district No. 31.

The county of Orange shall constitute agricultural district No. 32.

The county of San Benito shall constitute agricultural district No. 33.

The county of Modoc shall constitute agricultural district No. 34.

The counties of Merced and Mariposa shall constitute agricultural district No. 35.

The county of Solano shall constitute agricultural district No. 36.

All that portion of Santa Barbara County not included in agricultural district No. 19 shall constitute agricultural district No. 37.

The county of Stanislaus shall constitute agricultural district No. 38.

The county of Calaveras shall constitute agricultural district No. 39.

The counties of Yolo and Sacramento shall constitute agricultural district No. 40.

The county of Del Norte shall constitute agricultural district No. 41.

The county of Glenn shall constitute agricultural district No. 42.

The county of Lassen shall constitute agricultural district No. 43.

The county of Colusa shall constitute agricultural district No. 44.

The county of Mendocino shall constitute agricultural district No. 45. [Amendment approved March 15, 1901. Stats. 1901, p. 304; in effect immediately.]

Sec. 2. Where two or more counties shall constitute an agricultural district, each county shall be represented in the district board of directors by at least two resident citizens, as directors in said board; provided, that when by reason of the formation of a new agricultural district, a director of one district becomes a resident of another, his term of office as director will expire in sixty days after the formation of the new agricultural district. Whenever the board of directors of two or more agricultural districts shall, by a majority vote of each board, elect to unite, the said several districts may associate as one district, and hold a fair in any of said districts, and may for such purpose draw the appropriation for all of said districts, and expend the same for said fair.

Sec. 3. Any fifty or more persons, representing a majority of the counties within any one of the districts above constituted, may form an association for the improvement of the material industries within such district, and when so formed, the association shall be known and designated by the name of ——— agricultural association, and by such name and style shall have perpetual succession, and shall have power and authority to contract and be contracted with, to sue and be sued, to have and use a common seal, to purchase and hold and lease real estate, with such buildings and improvements as may be erected thereon, and may sell and lease and dispose of the same at pleasure. The said real estate, except as hereinafter provided, shall be used by such association for the purpose of holding exhibitions of horses, cattle, and other stock, and of the agricultural, horticultural, viticultural, mechanical, manufacturing, and domestic products of such district, with a view to the improvement of all industries in the same. But the said association shall have the power, and are hereby authorized, to sell and convey any portion of the real estate held by it, by whatever title derived, which may not be necessary for the permanent use of said association for the purposes aforesaid.

Sec. 4. The officers of such association shall consist of eight directors, who shall constitute a district board of agriculture for district number ———; a president, who

shall be one of their number, and a secretary and treasurer, not of their number.

Sec. 5. Within ten days after the formation of any new agricultural association within any of the districts above constituted in accordance with the provisions of this act, and notice of such formation to the governor, the governor shall appoint eight resident citizens of such district as members of a district board of agriculture for said district, whose term of office shall be four years, except as hereinafter provided.

Sec. 6. Within ten days after their appointment, the persons so appointed shall qualify as required by the constitution, and shall meet at a place within the district and organize by the election of one of their number as president of the board and association, who shall hold said office of president one year, and until his successor is elected; they shall also elect a secretary and treasurer.

Sec. 7. At the same meeting the members of the board shall, by lot or otherwise, classify themselves into four classes of two members each. The term of office of the first class shall expire at the end of the first fiscal year; of the second class, of the second fiscal year; of the third class, of the third fiscal year; and of the fourth class, at the end of the full term of four years. The fiscal year shall be from December first to December first; provided, that all officers of agricultural districts now in office, under any law heretofore passed, shall hold office for the term for which they were appointed, except in cases specified in section two of this act. And the agricultural associations heretofore established shall be continued in force, and, so far as applicable, are made agricultural associations under this act.

Sec. 8. Each association so formed and organized is hereby declared, and shall be recognized, a state institution, and the board so appointed and qualified shall have the exclusive control and management of such institution, for and in the name of the state, and shall have possession and care of all the property of the association, and shall fix the terms of office and the bonds of the secretary and treasurer, and determine their salaries and duties. They shall have the power to make all necessary by-laws, rules, and regulations for the government of the association and the management of its prudential and financial affairs.

They shall provide for an annual fair or exhibition by the association of all the industries and industrial products in the district, at such time and place as they deem advisable; provided, that the state shall, in no event, be liable for any premium offered or award made, or for any debt contracted by any district board of agriculture, or agricultural association; and provided further, that nothing in this section shall be so construed as in any way to affect or modify any of the provisions of section eleven.

Sec. 9. When any district board of agriculture shall have been classified and organized as herein provided, the secretary of the board shall report such classification and organization to the state board of agriculture. He shall also report the same to the governor, and shall report any vacancy that may occur in the board to the governor, who shall fill the same, by appointment, for the unexpired term.

It shall be the duty of each district association formed under this act, to report to the state board of agriculture, on or before January first of each year, a detailed financial statement, together with a complete statistical review of the agricultural resources of each county in the district, for the year ending December thirty-first. Said review to contain the acreage and yield of all agricultural productions for the year previous, and such other data as may be asked for by the state board of agriculture in the furtherance of its duties.

Sec. 10. Whenever any such association shall desire to sell any portion of its real estate not needed for the permanent use of the association, for the purposes specified in section three, and such real estate be held by such association under a deed or deeds of trust conveying the said lands in trust, to be held in perpetuity as a place for holding agricultural exhibitions or fairs, or for other permanent purposes of such association, it shall be lawful for such association to file its complaint in the superior court of the county in which such lands are situated, setting forth the nature of the title under which they are held, and that it is the desire of the said association to sell and dispose of such real estate, and praying for judgment authorizing it to sell and convey the same. In such action the trustee or trustees in such deed or deeds, or the survivor or survivors of them, or the heirs, or administrators,

or executors of deceased trustees, as the case may require, shall be made parties defendant; and upon service of the summons upon such defendants, personally or by publication, or upon their appearance, the court shall have full jurisdiction in the premises, and the deed executed under and in pursuance of the judgment of the court shall be valid and effectual to convey to the purchaser the title of said association, and that of all of its predecessors in title made parties to the suit.

Sec. 11. Every such association organized and existing under the laws of the state, and which has heretofore issued certificates of the capital stock of such association, and which certificates last mentioned have been accepted by the members of such association in lieu of certificates of membership therein, may elect to have a capital stock, and may issue certificates of stock therefor, in the same manner and with like effect as corporations formed under the provisions of chapter one, article one, of the Civil Code, relating to the formation of corporations. In order to effect such change, a meeting of the holders of such alleged certificates of capital stock may be called, at which the holders of such alleged stock shall be entitled to one vote for each share of such stock appearing in their names, respectively, upon the books of such association. Upon the receipt of a written application, signed by the holders of one fourth of the shares of such alleged capital stock of such association, requesting him so to do, the secretary of such association shall give notice of the time and place of holding such meeting, by publication in some newspaper printed and published in such county, or city and county, in which the principal place of business of such association is located, at least once a week for three successive weeks next prior to the holding thereof. Such notice shall state that the object of the meeting is, (1) to determine whether such corporation elects to have a capital stock as provided by this act; (2) the amount of such capital stock, and (3) the number of shares into which the same shall be divided. At such meeting, should the holders of a majority of the shares of such alleged capital stock vote in favor of having a capital stock, and fix the amount thereof, and the number of shares into which it shall be divided, then such corporation shall issue certificates of capital stock to the amount fixed at

such meeting, divided into the number of shares provided by said meeting, to the holders of such alleged capital stock, in the same proportion as such alleged stock appears in the names of such holders, respectively, upon the books of such association. A copy of the notice calling such meeting, the affidavit of publication thereof, the proceedings of such meeting, the amount of capital stock voted, number of shares into which the capital stock was divided, and to whom assigned, duly certified by the chairman of such meeting, and the secretary of such association, under the seal thereof, must be filed with the secretary of state and the clerk of the county where such association has its principal place of business. Thereafter such association shall be possessed of all rights and powers, and shall be subject to all the obligations and restrictions, as if it had been originally created a corporation with a capital stock, including the right to elect a board of directors authorized to exercise such control of all the property of such association, as provided in chapters one, two, three, and four of the Civil Code, relating to corporations; provided, such association shall have no authority to sell any portion of the real estate owned and held by it, by whatever title derived, which may be necessary for the permanent use of such association, for the purposes aforesaid; and provided further, that in the event that such association, after the issuance of a capital stock as aforesaid, shall be offered aid at any time from the state by appropriation, for the purpose of holding an annual district fair, and such association, by a vote of the board of directors, elected as hereinafter provided, adopts a resolution accepting such appropriation, then and in that event said annual fair shall be held under the control and management of the district board of agriculture of such district; but said district board of agriculture shall have no other authority, control, or management of or over the property of such association, and the authority which it may exercise over said property shall continue only during the time occupied in holding the said district fair, which time shall not extend over more than one week annually.

When any corporation has elected to issue capital stock under this act, the president thereof shall, within ten days after filing with the secretary of state of the certificate hereinbefore provided, call a meeting of the stock-

holders of such corporation, for the purpose of electing a board of directors of such corporation, which board of directors shall hold their office until their successors are elected and qualified, and thereafter a board of directors of such corporation shall be elected annually, on the day of the month upon which the election of said first board of directors elected as aforesaid is held, unless a different day for holding such election is fixed by the board of directors of such corporation, by its by-laws, properly adopted.

Sec. 12. All acts or parts of acts in conflict with this act are hereby repealed.

Sec. 13. This act shall take effect from and after its passage.

Other acts:

ACT 69.

To form agricultural districts, etc. [Stats. 1880, p. 62.]

Amended 1883, 30; 1885, 39, 126; 1887, 80; 1889, 78; and partly, if not wholly, repealed by 1891, 138; 1895, 14.

ACT 70.

To form agricultural districts, and provide for the management and control of the same. [Stats. 1891, p. 138.]

Amended 1893, 282; 1895, 14, 100.

ACT 71.

For the encouragement of agricultural and other industries. [Stats. 1871-2, p. 442.]

Probably repealed by statute of 1880, p. 49, chap. LX, and p. 62, chap. LXIX.

ACT 72.

Encouragement of agriculture. [Stats. 1877-8, p. 332.]

Superseded by 1880, 49, 62; 1897, 304.

This act authorized appropriations for certain societies.

ACT 73.

For the better protection of fruit trees and vines. [Stats. 1880, p. 36.]

Superseded 1897, 241.

Cal.Rep.Cit. 60, 152.

ACT 74.

An act to prevent the propagation by the production of seed, of that certain plant known as *Sorghum halepense*, otherwise known as Johnson grass.

[Approved March 20, 1903. Stats. 1903, 337.]

The people of the state of California, represented in senate and assembly, do enact as follows:

Section 1. It shall be unlawful for any person owning, controlling, leasing, or possessing land in the state of California, to knowingly permit that certain grass known as *Sorghum halepense*, otherwise known as Johnson grass, to mature and disseminate its seed, on land so owned, leased, or possessed by such person.

Sec. 2. It shall be unlawful for any person knowingly to sow or disseminate or cause to be sown or disseminated any seed of *Sorghum halepense*, otherwise known as Johnson grass, upon any land owned or possessed by another.

Sec. 3. It shall be unlawful for any person to knowingly sow, disseminate, or cause or permit to be disseminated, any seed of *Sorghum halepense*, otherwise known as Johnson grass, over or along any roadway, highway, or right of way for ditch purposes, adjacent to premises owned or possessed by him.

Sec. 4. Any person upon being duly convicted of a violation of any of the preceding sections of this act, shall be deemed guilty of a misdemeanor, and may be fined in a sum not exceeding one hundred dollars, or by imprisonment in the county jail, for a term not exceeding three months.

Sec. 5. This act shall take effect immediately from and after its passage.

TITLE 11.

ALAMEDA CITY.

ACT 79.

Opening streets in. [Stats. 1875-6, p. 424.]

Repealed 1877-8, 964.

ACT 80.

Streets in. [Stats. 1873-4, p. 795.]

This act related to Park Street, Santa Clara Avenue, Railroad Avenue, Buena Vista Avenue, and Third Avenue.

ACT 81.

In relation to certain streets in. [Stats. 1877-8, p. 964.]

This act related to the following streets: Santa Clara Avenue, Railroad Avenue, Versailles Avenue, Pearl Street, Broadway, Clinton Avenue, Bay Avenue, and San Jose Avenue.

Cal.Rep.Cit. 70, 86.

ACT 82.

To provide funds for school department of. [Stats. 1877-8, p. 599.]

ACT 83.

Act to incorporate. [Stats. 1871-2, p. 276.]

Amended and supplemented 1874, 448; 1876, 367. Repealed 1877-8, p. 89, chap. LXXIX.

ACT 84.

Incorporating. [Stats. 1877-8, p. 89.]

Superseded by incorporating, in 1884, under the Municipal Corporation Act of 1883.

TITLE 12.**ALAMEDA COUNTY.****ACT 89.**

Officers of, salaries. [Stats. 1873-4, p. 185.]

Amended 1875-6, 166. Repealed by County Government Acts, 1897, 501, sec. 160.

ACT 90.

Fixing salaries of certain officers of. [Stats. 1871-2, p. 720.]

Repealed by County Government Act, 1897, 501, sec. 160.

This act fixed the salaries of the treasurer, the county recorder and deputy, the county clerk and deputies, and the district attorney.

ACT 91.

County assessor, abolishing office of and creating township assessors. [Stats. 1873-4, p. 90.]

Repealed by County Government Act, 1897, 452.

ACT 92.

Constables, duties of. [Stats. 1877-8, p. 105.]

Superseded by County Government Act, 1897, 492, secs. 153, 154.

ACT 93.

County clerk to employ additional deputies. [Stats. 1875-6, p. 365.]

Repealed by County Government Acts, 1897, 452.

ACT 94.

To provide an additional judge for. [Stats. 1881, p. 20.]

ACT 95.

Providing for one additional judge for. [Stats. 1893, p. 3.]

Cal.Rep.Cit. 104, 235; 104, 236.

ACT 96.

To provide one additional judge for. [Stats. 1901, p. 295.]

ACT 97.

Road overseers, fixing compensation of, and relating to road and poll tax. [Stats. 1877-8, p. 109.]

Superseded by Political Code, sec. 2652, as amended 1891, 478, and County Government Acts, 1897, 452.

ACT 98.

Salary of road overseer of Brooklyn road district. [Stats. 1877-8, p. 251.]

Repealed by Political Code, sec. 2642, as amended 1891, abolishing the office.

ACT 99.

Relative to the powers and duties of the sheriff of in the matter of attachments in said county. [Stats. 1877-8, p. 922.]

Modified by County Government Acts, 1897, 501, sec. 160.

ACT 100.

Fixing the compensation of sheriffs, deputy sheriffs, and county jailers of. [Stats. 1877-8, p. 950.]

Repealed by County Government Acts, 1897, 501, sec. 160.

ACT 101.

Deputy sheriff of, fixing compensation of. [Stats. 1873-4, p. 601.]

Repealed 1897, 501, sec. 160.

ACT 102.

Supervisors, to fix the pay of. [Stats. 1877-8, p. 736.]

Repealed by County Government Acts, 1897, 501, sec. 160.

ACT 103.

Supervisors to establish a receiving hospital in Oakland. [Stats. 1877-8, p. 640.]

ACT 104.

Giving supervisors control of bridge across estuary of San Antonio. [Stats. 1877-8, p. 3.]

ACT 105.

Executions from justices' courts. [Stats. 1877-8, p. 106.]

Repealed 1880, 19.

ACT 106.

Fees, regulation of. [Stats. 1875-6, p. 127.]

Repealed by fee bill (1895, 267) as to officers therein named.

ACT 107.

Collection of licenses in. [Stats. 1877-8, p. 255.]

Repealed by County Government Acts, 1897, 473, sec. 55.

ACT 108.

Ratifying and confirming a resolution of the supervisors granting certain rights and privileges to the Berkeley Horse Railroad Company. [Stats. 1877-8, p. 136.]

ACT 109.

Transfer of school moneys to and from the state treasury by. [Stats. 1877-8, p. 170.]

Repealed by County Government Act, 1897, 572, sec. 215.

ACT 110.

Road tax in Oakland. [Stats. 1871-2, p. 4.]

Superseded.

"Road taxes can no longer be levied within municipal corporations. (County Government Act, 1897, 466; Miller v. County of Kern, 24 Cal. Dec. 478.)"—Code Commissioners' note.

This act provided that the road tax of the county of Alameda collected within the city of Oakland should be paid to the city treasury and become part of the street fund of the city.

ACT 111.

To encourage destruction of gophers and squirrels in. [Stats. 1871-2, p. 432.]

Superseded by subd. 26, sec. 25, County Government Act, 1897, 465.

ACT 112.

Squirrel nuisance, abatement of. [Stats. 1873-4, p. 321.]

Amended 1875-6, 338.

This act applied to Contra Costa and Alameda counties.

Cal.Rep.Clt. 83, 169.

TITLE 13.**ALAMEDA CREEK.****ACT 117.**

Declaring navigable, and providing for the removal of obstructions therein. [Stats. 1873-4, p. 308.]

Superseded by Political Code, sec. 2349, as amended 1891.

TITLE 14.

ALIENS.

ACT 122.

To prohibit the issuance of licenses to aliens not eligible to become electors of the state of California. [Stats. 1880, 39.]

"Unconstitutional. (People v. Quong On Long, 6 Pac. C. L. J., 192; see Pol. Code, sec 3666, as amended 1901, 635.)"—Code Commissioners' note.

ACT 123.

To provide for indexing the names of persons who have declared their intention to become or who have become citizens of the United States, in the several courts of record in this state.

[Approved February 8, 1872. Stats. 1871-2, p. 80.]

"Section 1 probably in force, section 2 superseded by fee bill of 1895, 267."—Code Commissioners' note.

ACT 124.

Relative to escheated estates. [Stats. 1856, 137.]

Superseded by Civil Code, secs. 671, 672.

This act provided that aliens might inherit the same as native born, but that they must claim the property in five years.

ACT 125.

Prohibiting aliens from fishing in the waters of the state. [Stats. 1880, p. 123.]

Unconstitutional. (In re Ah Chong, 5 Pac. C. L. J. 451.)

Cal.Rep.Cit. 72, 463; 78, 367; 78, 368.

ACT 126.

Relating to the appointment of aliens to office. [Stats. 1880, p. 23.]

This act forbade the appointment of aliens to office. It was probably superseded by the following act:

ACT 127.

An act to secure to native-born and naturalized citizens of the United States the exclusive right to be employed in any department of the state, county, city and county, or incorporated city or town government in this state. [Approved March 23, 1901; Stats. 1901, 589.]

The people of the state of California, represented in senate and assembly, do enact as follows:

Gen. Laws—2

Section 1. No person, except a native-born or naturalized citizen of the United States, shall be employed in any department of the state, county, city and county, or incorporated city or town government in this state.

Sec. 2. It shall be unlawful for any person, whether elected, appointed or commissioned to fill any office in either the state, county, city and county, or incorporated city or town government of this state, or in any department thereof, to appoint or employ any person to perform any duties whatsoever, except such person be a native-born or naturalized citizen of the United States.

Sec. 3. No money shall be paid out of the state treasury, or out of the treasury of any county, or city and county, or incorporated city or town, to any person employed in any of the offices mentioned in section two of this act, except such person shall be a native-born or naturalized citizen of the United States.

Sec. 4. This act shall take effect immediately.

TITLE 15.

ALPINE COUNTY.

ACT 132.

Providing for payment of salaries and fees of officers of.
[Stats. 1871-2, p. 703.]

Repealed by County Government Act, 1897, 574, sec. 219.

ACT 133.

Traveling fees of sheriffs of. [Stats. 1873-4, p. 236.]

Amended 1877-8, 372. Repealed by County Government Acts, 1897, 568, 571, 572, secs. 211, 214, 215.

ACT 134.

Treasurer of, bond of. [Stats. 1875-6, p. 140.]

Repealed by County Government Act, 1897, 475, sec. 66.
Cal.Rep.Cit. 54, 536; 54, 537; 54, 539.

ACT 135.

Tax for payment of grand and trial jurors in. [Stats. 1877-8, p. 215.]

Superseded by subds. 12 and 18, sec. 25, County Government Act, 1897, 460.

ACT 136.

Extending time for selling property for delinquent taxes.
[Stats. 1875-6, p. 389.]

Repealed 1877-8, 783.

TITLE 16.

ALVISO CITY.

ACT 141.

To incorporate the town of Alviso. [Stats. 1852, p. 222.]

TITLE 17.

AMADOR CITY.

ACT 146.

Hogs and goats running at large in. [Stats. 1873-4, p. 905.]

Repealed 1897, 198.

TITLE 18.

AMADOR COUNTY.

ACT 151.

Salaries and compensation of officers of. Stats. 1875-6,
p. 370.]

Repealed by County Government Acts, 1897, 548, sec. 189.

ACT 152.

Supervisors, act in relation to. [Stats. 1873-4, p. 443.]

Repealed by County Government Acts, 1897, 453, 492, secs.
10, 157.

ACT 153.

Revenue of. [Stats. 1873-4, p. 446.]

Superseded by subds. 12 and 18, sec. 25, County Government
Act, 1897, 460, 463.

ACT 154.

Supervisors authorized to levy an additional tax. [Stats.
1871-2, p. 172.]

Superseded by the general powers given by the County Govern-
ment Acts.

ACT 155.

Providing for the payment by, to Calaveras County, of
interest on a certain indentedness; supplementing act
of March 31, 1866. [Stats. 1871-2, p. 698.]

ACT 156.

To provide for the location, construction and maintenance
of roads in. [Stats. 1877-8, p. 703.]

Repealed 1883, 5, chap. X, sec. 2.

ACT 157.

Authorizing supervisors to declare the portion of Amador
and Nevada wagon road which lies in Amador County
a toll road. [Stats. 1877-8, p. 963.]

28 AMERICAN WATER AND MINING CO.—ANIMALS.

ACT 158.

To prevent trespassing of goats on inclosed lands in.
[Stats. 1877-8, p. 536.]

TITLE 19.

AMERICAN WATER AND MINING COMPANY.

ACT 163.

Authorizing American Water and Mining Company to extend its works. [Stats. 1860, p. 155.]

Amended 1871-2, 471.

TITLE 20.

ANAHEIM.

ACT 168.

Incorporation of. [Stats. 1877-8, p. 309.]

Superseded by incorporating, in 1888, under Municipal Corporation Act of 1888.

ACT 169.

Legalizing incorporation of. [Stats. 1877-8, p. 27.]

Superseded by incorporating, in 1888, under the Municipal Corporation Act of 1888.

TITLE 21.

ANATOMY.

ACT 174.

To provide for the study of anatomy. [Stats. 1863-4, 321.]

It was superseded by Political Code, secs. 3093-3095.

TITLE 22.

ANIMALS.

See Cruelty to Animals, post; Estrays, post.

ACT 179.

To prevent the spread of contagious and infectious diseases among domestic animals. [Stats. 1893, p. 302.]

This act is in full in the Appendix to the Penal Code, p. 571.

ACT 180.

To protect domestic livestock from contagious and infectious diseases, to provide for the appointment and duties of officials to carry into effect the provisions of this act, and to provide an appropriation therefor. [Stats. 1899, p. 129.]

This act created the office of state veterinarian.

ACT 181.

To protect sheep and Cashmere and Angora goats against ravages of dogs. [Stats. 1865-6, 225.]

Superseded in part by Civil Code, sec. 8341, and probably not in force.

ACT 182.

Providing for the retention of the hides of slaughtered cattle in certain counties. [Stats. 1863, p. 359.]

Amended 1863-4, 261. Probably superseded by Political Code, sec. 3185, and 1893, 325.

This act applied to the counties of Santa Clara, San Diego, San Bernardino, San Luis Obispo, Contra Costa, San Mateo, Alameda, Santa Barbara, and Marin.

ACT 183.

For the better protection of stock-raisers in Fresno, Tulare, Monterey, and Mariposa Counties. [Stats. 1865-6, p. 322.]

See 1893, 235.

This act required hides of cattle to be kept fifteen days, and made provisions as to branding of calves, and required records to be kept of slaughtered animals. It was continued in force by Political Code, sec. 19, and Penal Code, sec. 23.

ACT 184.

Regulating the disposition of the hides of cattle killed or slaughtered in the state. [Stats. 1893, p. 235.]

This act provided for the retention and inspection of the hides.

ACT 185.

To encourage the destruction of wild animals in the different counties of the state, and authorizing the board of supervisors of each of said counties to fix and determine the bounty for the destruction of the same. [Approved March 15, 1883. Stats. 1883, 368.]

Superseded by subd. 26, sec. 25, County Government Act, 1897, 465.

Cal.Rep.Cit. 65, 563; 65, 564.

ACT 186.

Destruction of squirrels and gophers. [Stats. 1869-70, 316.]

It applied to Alameda, Contra Costa, Fresno, Stanislaus, Merced, San Joaquin, and Yolo counties. It was repealed as to Stanislaus County by act of 1875-6, 513.

Superseded by subd. 26, sec. 25, County Government Act, 1897, 465.

ACT 187.

Squirrels, destruction of. [Stats. 1875-6, p. 143.]

Amended 1875-6, 637, and made applicable to San Luis Obispo. Superseded by subd. 26, sec. 25, County Government Act, 1897, 465.

This act related to Stanislaus, Santa Cruz, San Joaquin, Merced, Fresno, San Benito, Tulare, San Mateo, Santa Clara, Monterey, and Kern counties.

ACT 188.

To encourage destruction of squirrels, gophers or other wild animals, in counties of Los Angeles, Napa, Merced, San Bernardino, and Santa Cruz. [Stats. 1871-2, p. 92.]

Repealed as to Los Angeles, 1873-4, 84; as to Santa Cruz, 1873-4, 129; as to San Bernardino, 1873-4, 691; as to Napa, 1877-8, 569; in toto, 1880, 108.

ACT 189.

Destruction of certain wild animals. [Stats. 1875-6, p. 533.]

Repealed 1877-8, 2.

This act provided for bounties for the destruction of certain wild animals in the counties of Mendocino, Del Norte, Humboldt, Placer, Lake, San Luis Obispo, and Colusa.

ACT 190.

To prevent the stealing of dogs. [Stats. 1860, 70.]

Superseded by Penal Code.

ACT 191.

To prevent combinations to obstruct the sale of livestock. [Stats. 1893, p. 30.]

This act appears in full in Civil Code, Appendix, p. 665.

ACT 192.

To prevent tampering with animals and to prevent the giving or administering of poison or drugs to horses, cattle, dogs, animals and other livestock except for medicinal purposes, and making the same a misdemeanor. [Stats. 1901, 553.]

This act appears in full in Penal Code, Appendix, p. 569.

TITLE 23.**ANTIOCH.****ACT 197.**

Defining boundaries of. [Stats. 1871-2, p. 725.]

Superseded by incorporating the town in 1890 under the Municipal Corporation Act of 1883.

TITLE 24.

ACT 202. ANTONIO CREEK.

To declare Antonio Creek, in Contra Costa County, navigable. [Stats. 1852, 182.]

Incorporated in Political Code, sec. 2349.

Cal.Rep.Cit. 118, 181.

TITLE 25.

ACT 207. ANTWERP MESSENGER.

For the protection of the Antwerp messenger or homing pigeon. [Stats. 1897, p. 37.]

APIARIES.

See post, Bee-Culture.

TITLE 26.

ACT 212. APPRENTICES.

Apprentices and masters, act relative to. [Stats. 1875-6, p. 842.]

Amended 1880, 28.

This act appears in full in Civil Code, Appendix, p. 668.

ACT 213.

To provide for binding minors as apprentices, clerks, or servants. [Stats. 1858, 134.]

Superseded by Civil Code, secs. 264 et seq.

ACT 214.

To authorize the managers of the San Francisco Orphan Asylum or any other orphan asylum to bind as apprentices, clerks, and servants, orphan or half-orphan children under their care and tuition. [Stats. 1860, p. 37.]

Supp. 1869-70, 334.

TITLE 27.

ACT 219. ARBITRATION.

An act to provide for a state board of arbitration for the settlement of differences between employers and em-

ployees, to define the duties of said board, and to appropriate the sum of twenty-five hundred dollars therefor.

[Approved March 16, 1891; Stats. 1891, p. 49.]

Section 1. On or before the first day of May of each year, the governor of the state shall appoint three competent persons to serve as a state board of arbitration and conciliation. One shall represent the employers of labor, one shall represent labor employees, and the third member shall represent neither, and shall be chairman of the board. They shall hold office for one year and until their successors are appointed and qualified. If a vacancy occurs, as soon as possible thereafter the governor shall appoint some one to serve the unexpired term; provided, however, that when the parties to any controversy or difference, as provided in section two of this act, do not desire to submit their controversy to the state board, they may by agreement each choose one person, and the two shall choose a third, who shall be chairman and umpire, and the three shall constitute a board of arbitration and conciliation for the special controversy submitted to it, and shall for that purpose have the same powers as the state board. The members of the said board or boards, before entering upon the duties of their office, shall be sworn to faithfully discharge the duties thereof. They shall adopt such rules of procedure as they may deem best to carry out the provisions of this act.

Sec. 2. Whenever any controversy or difference exists between an employer, whether an individual, copartnership, or corporation, which, if not arbitrated, would involve a strike or lockout, and his employees, the board shall, upon application, as hereinafter provided, and as soon as practicable thereafter, visit, if necessary, the locality of the dispute and make careful inquiry into the cause thereof, hear all persons interested therein who may come before them, advise the respective parties what, if anything, ought to be done or submitted to by either, or both, to adjust said dispute and make a written decision thereof. This decision shall at once be made public, and shall be recorded upon proper books of record to be kept by the board.

Sec. 3. Said application shall be signed by said employer, or by a majority of his employees in the department

of the business in which the controversy or difference exists, or their duly authorized agent, or by both parties, and shall contain a concise statement of the grievances complained of, and a promise to continue on in business or at work, without any lockout or strike, until the decision of said board, which must, if possible, be made within three weeks of the date of filing the application. Immediately upon receipt of said application, the chairman of said board shall cause public notice to be given of the time and place for hearing. Should the petitioners fail to keep the promise made therein, the board shall proceed no further thereupon without the written consent of the adverse party. And the party violating the contract shall pay the extra cost of the board entailed thereby. The board may then reopen the case and proceed to the final arbitration thereof as provided in section two hereof.

Sec. 4. The decision rendered by the board shall be binding upon the parties who join in the application for six months, or until either party has given the other a written notice of his intention not to be further bound by the conditions thereof after the expiration of sixty days or any time agreed upon by the parties, which agreement shall be entered as a part of the decision. Said notice may be given to the employees by posting a notice thereof in three conspicuous places in the shop or factory where they work.

Sec. 5. Both employers and employees shall have the right at any time to submit to the board complaints or grievances and ask for an investigation thereof. The board shall decide whether the complaint is entitled to a public investigation, and if they decide in the affirmative, they shall proceed to hear testimony, after giving notice to all parties concerned, and publish the result of their investigations as soon as possible thereafter.

Sec. 6. The arbitrators hereby created shall be paid five dollars per day for each day of actual service, and also their necessary traveling and other expenses incident to the duties of their office shall be paid out of the state treasury; but the expenses and salaries hereby authorized shall not exceed the sum of twenty-five hundred dollars for the two years.

Sec. 7. The sum of twenty-five hundred dollars is hereby appropriated out of any money in the state treasury not

otherwise appropriated, for the expenses of the board for the first two years after its organization.

Sec. 8. This act shall take effect and be in force from and after its passage.

TITLE 28.

ARCHITECTURE.

ACT 224.

An act to regulate the practice of architecture.

[Approved March 23, 1901. Stats. 1901, 641.]

The people of the state of California, represented in senate and assembly, do enact as follows:

Section 1. Within sixty days from and after the passage of this act, the governor of the state shall appoint ten persons, which persons so appointed shall constitute a board, which board shall be known and designated as the state board of architecture. Five members of said board of architecture, shall be residents of the northern district of California, and shall constitute the northern district for the examination of applicants for certificates to practice architecture in this state. And five members of said board shall be appointed from the southern district of California, and shall constitute the southern district board for the examination of applicants for certificates to practice architecture in this state. The northern district shall be all that portion of the state north of the northerly line of the county of San Luis Obispo and the county of Kern and the county of San Bernardino. And the southern district shall be all that portion of the state south of the northerly line of the county of San Luis Obispo and of the county of Kern and of the county of San Bernardino. Said state board of architecture shall be appointed by the governor as follows: Five members shall be appointed from the members in good standing of the San Francisco Chapter of the American Institute of Architects, or some similar institution or association of architects, two of whom shall be designated to hold office for two years. Five members shall be appointed from the members of the Southern California Chapter of the American Institute of Architects, or some similar institution or association of architects, two of whom shall be designated to hold office for two years. Each person

so appointed shall hold office for four years, unless so designated to hold office for two years. And thereafter, upon the expiration of the term of office of the persons so appointed, the governor of the state shall appoint a successor or successors to such outgoing person or persons whose term of office shall have expired, to hold office for four years; provided, that the membership of the state board of architecture shall be composed as herein set forth. Each member shall hold over after the expiration of his term of office until his successor shall have been duly appointed and qualified. Any vacancy occurring in the membership of the board shall be filled by the governor of the state for the unexpired term in like manner. The members of the board shall serve without compensation from the state. The expenses of the board shall be paid out of the fees collected from applicants for certificates.

Sec. 2. The members of the state board of architecture shall, before entering upon the discharge of the duties of their office, take and file with the secretary of state the constitutional oath of office. The said state board of architecture shall, within thirty days from and after their appointment, meet and elect from their number a president and a vice-president, one of whom shall be a resident of the northern district, and one a resident of the southern district, and two secretaries, one from each district. The secretaries shall also act as treasurers. The person receiving the highest number of votes shall be secretary, and the person receiving the next highest number of votes, assistant secretary. Said persons shall hold office for two years, or until their successors shall have been duly elected and qualified.

Sec. 3. The board may adopt rules and regulations for the government of its proceedings, not inconsistent with this act. The state board shall adopt a seal for its own use, and one for each of the district boards. The seal used by the northern district board shall have the words "Northern District" inscribed thereon, and the one for the southern district shall have the words "Southern District" inscribed thereon, and the secretary and assistant secretary shall have charge, care and custody thereof. The secretary shall keep a correct record of all the proceedings of the board, which shall be open to public

examination at all times. Six members shall constitute a quorum for the transaction of business of the state board of architecture, and three members shall constitute a quorum of the district boards for the transaction of business. Special meetings of the state board of architecture shall be called by the secretary upon the written request of four of its members, and by giving twenty days' written notice of such meeting, and the time and place at which such meeting is to be held, to each member of the board. The district boards shall call special meetings upon the written request of two of its members made to the secretary, and upon five days' written notice to each member of such district board. Within thirty days from and after the date of their appointment, the state board shall meet to organize, elect officers as in this act provided for, and formulate and adopt a code of rules and regulations for its government in the examination of applicants for certificates to practice architecture in this state; and such other rules and regulations as may be necessary and proper, not inconsistent with this act. The board may from time to time repeal or modify its rules and regulations, not inconsistent with this act. The state board shall meet annually, on the second Tuesday in April, for the purpose of transacting such business as may lawfully come before it, not inconsistent with this act. The district boards shall hold their regular meetings for the examination of applicants for certificates to practice architecture, on the last Tuesday of January, April, July and October of each year. The board of the northern district shall meet in San Francisco; and the board of the southern district shall meet in Los Angeles, and at such other times and places as they may elect, to examine applicants for certificates. Any person shall be entitled to an examination for a certificate to practice architecture, upon payment, to the district board when he makes application, of a fee of fifteen dollars, which fee shall be retained by the board; should the applicant pass a satisfactory examination by said district board, the secretary shall, upon the payment to him of a further fee of five dollars, issue to the applicant a certificate, signed by the president and secretary, sealed with the seal of the district board, and directed to the secretary of state, setting forth the fact that the person therein named has passed

a satisfactory examination, and that such person is entitled to a certificate to practice architecture in this state, in accordance with the provisions of this act; and upon the payment to the secretary of state a fee of five dollars, the secretary shall at once issue to the person therein named, a certificate to practice architecture in this state in accordance with the provisions of this act, which certificate shall contain the full name of the applicant, his birthplace, and age, together with the name of the district board issuing the certificate, and date of issuance thereof. All papers received by the secretary of state on application for certificate shall be kept on file in his office, and a proper index and record thereof shall be kept by him.

Sec. 4. Any architect in good standing, who shall show to the satisfaction of the district board of the district in which such architect may reside, that he was engaged in the practice of the profession of architecture on the date of the passage of this act, shall be granted a certificate without passing an examination, on the payment to the district board of a fee of five dollars; provided, such application shall be made within six months from and after the passage of this act. Said certificate shall set forth the fact that the person to whom the same was issued was practicing architecture in this state at the time of the passage of this act, and that the person therein named is entitled to a certificate to practice architecture without having to pass an examination by the district board; and the secretary of state shall, upon the payment to him of a fee of five dollars, issue to the person named therein a certificate to practice architecture in this state, in accordance with the provisions of this act. Each certificated architect shall have his certificate recorded in the office of the county recorder, in each and every county in this state, in which the holder thereof shall practice, and he shall pay to the recorder the same fee as is charged for the recording of deeds. A failure to have his certificate so recorded shall be deemed sufficient cause for revocation of such certificate.

Sec. 5. After the expiration of six months from the passage of this act, it shall be unlawful, and it shall be a misdemeanor, punishable by fine of not less than fifty dollars nor more than five hundred dollars, for any per-

son to practice architecture without a certificate in this state, or to advertise, or put out any sign or card, or other device which might indicate to the public that he was an architect; provided, that nothing in this act shall prevent any person from making plans for his own buildings, nor furnishing plans or other data for buildings for other persons, provided the person so furnishing such plans or data shall fully inform the person for whom such plans or data are furnished, that he, the person furnishing such plans, is not a certificated architect; provided, that nothing in this act shall prevent the employment of an architect residing out of the state of California, to prepare plans and specifications for buildings or other structures within the state, conditioned he shall present satisfactory evidence to the board of the district in which the structure is to be erected, that he is a competent architect, when such board shall issue to such architect a temporary certificate for such employment, upon the payment of a fee of five dollars. Architects' certificates issued in accordance with the provisions of this act shall remain in full force until revoked for cause, as hereinafter provided for in this act. A certificate may be revoked for dishonest practices, or for gross incompetency in the practice of the profession, which questions shall be determined by the district board of the district in which the person whose certificate is called in question shall reside, or shall be doing business; and upon a full investigation of the charges by the district board, an opportunity having been given the accused to be heard in his own defense or by counsel; and upon the verdict of at least four members of the district board, the board may issue its certificate to the secretary of state revoking the certificate of the person accused; and the secretary of state shall thereupon cancel such certificate. And on the cancellation of such certificate, it shall be the duty of the secretary of the district board to give notice of such cancellation to the county recorder of each county in this state, whereupon the recorder shall mark the certificate recorded in his office, "Canceled."

After the expiration of six months the person whose certificate was revoked, may have a new certificate issued to him by the secretary of state upon the certificate

of the district board by which the certificate was revoked.

Every certificated architect shall have a seal, the impression of which must contain the name of the architect, his place of business, and the words "Certificated architect," with which he may stamp all plans prepared by him.

Sec. 6. This act shall take effect from and after its passage.

Sec. 7. Each regularly certificated architect shall pay an annual license fee of five dollars, said fee to be paid to the secretary of the board of the district of which he shall be a resident, and shall be payable in advance on January 1, and shall become delinquent the first day of April, of each year, after which date it shall be delinquent, and the certificate of such architects who shall fail to pay their license fees by April 1 of each year, shall be subject to cancellation by said district board, and notice of such cancellation shall be sent to each county recorder of the state of California and to the secretary of state, as provided in section 5 of the act to regulate the practice of architecture, approved March 23, 1901, for cancellation of certificates. And the secretary of the said district shall issue a receipt signed by the president and secretary of the district, and under the seal of the district board, to each architect paying said license fee, showing that said certificated architect has paid his annual license fee, which license receipt shall be displayed in a prominent place in the office of said architect. The fees so collected shall be used to meet the expenses of the state board of architecture. [New section approved March 26, 1903. Stats. 1903, p. 522; in effect immediately.]

TITLE 29.

ARMS.

ACT 229.

To provide for the issuing arms and accouterments to colleges and academies. [Stats. 1862, 483.]

ACT 230.

Military academies, act to furnish arms to. [Stats. 1871-2, p. 121.]

ARREST—ARTESIAN WELLS.**TITLE 30,****ARREST.****ACT 235.**

For the relief of persons imprisoned on civil process.
[Stats. 1850, p. 407; amended 1868, 93.]

Superseded by Code of Civil Procedure, secs. 1143-1154.

TITLE 31.**ARROYO DEL MEDO.**

To declare the Arroyo del Medo in Santa Clara County navigable. [Stats. 1852, 223.]

Incorporated in Political Code, sec. 2349.

TITLE 32.**ARTESIAN WELLS.****ACT 245.**

An act to regulate the use of artesian wells and to prevent the waste of subterranean waters in this state.

[Approved March 9, 1878; 1877-8, 195; amended 1901, 284.]

What artesian wells declared nuisances—Misdemeanor.

Section 1. Any artesian well which is not capped, or furnished with such mechanical appliance as will readily and effectively arrest and prevent the flow of water from such well, is hereby declared to be a public nuisance. The owner, tenant, or occupant of the land upon which such well is situated, who causes, permits, or suffers such public nuisance, or suffers or permits it to remain or continue, is guilty of a misdemeanor.

Same.

Sec. 2. Any person owning, possessing, or occupying any land upon which is situated an artesian well, who causes, suffers, or permits the water to unnecessarily flow from such well, or to go to waste, is guilty of a misdemeanor.

Artesian well defined.

Sec. 3. An artesian well is defined, for the purposes of this act, to be any artificial well, the waters of which will flow continuously over the natural surface of the ground adjacent to such well at any season of the year.

Waste defined.

Sec. 4. Waste is defined, for the purpose of this act to be the causing, suffering or permitting the waters flowing from such well to run into any river, creek, or other natural watercourse or channel, or into any bay, lake, or pond, or into any street, road, highway, or upon the land of any person other than that of the owner of such well, or upon public lands of the United States or of the state of California, unless it be used thereon for the purposes and in the manner that it may be lawfully used upon the land of the owner of such well; provided, that this section shall not be so construed as to prevent the use of such waters for the proper irrigation of trees standing along or upon any street, road, or highway, or for ornamental ponds or fountains, or the propagation of fish.

Proceedings for misdemeanor.

Sec. 5. Any person violating any of the provisions of this act may be proceeded against for a misdemeanor in any justice's court of the county in which such well is located, and shall, upon conviction, be fined for each offense not less than ten or more than fifty dollars. There shall also, upon conviction had, in addition to such fine, be taxed against such party the cost of prosecution. Such fine and costs may be collected as in other criminal cases, and the justice may also issue an execution upon the judgment therein rendered, and the same may be enforced and collected as in civil cases.

Duty of supervisors.

Sec. 6. It shall be the duty of the supervisors or roadmasters, on complaint of any citizen within their respective districts, and for that purpose may at all proper times enter upon the premises where such well is situated; and it shall be his duty to institute or cause to be instituted, criminal action for all violations of the provisions of this act, or for all public offenses defined in this act committed within such district.

Repeal.

Sec. 7. An act entitled "An act to regulate the use of artesian wells and to prevent the waste of subterranean waters in Santa Clara and Los Angeles counties," approved March eighteenth, eighteen hundred and seventy-

six, and all other acts and parts of acts in conflict with the provisions of this act, are hereby repealed.

Sec. 8. Repealed. [Stats. 1901, 284.]

Amendment became a law under constitutional provision without governor's approval, March 14, 1901, Stats. 1901, 284; in effect immediately.

Sec. 9. This act shall take effect and be in force on and after the first day of July, A. D. eighteen hundred and seventy-eight.

TITLE 33.

ASSAULT.

ACT 250.

To punish assaults with caustic or corrosive liquids and substances. [Stats. 1867-8, 194.]

Superseded by Penal Code, sec. 244.

TITLE 34.

ASSESSORS.

ACT 255.

County treasuries, protection of. [Stats. 1873-4, p. 393.]

Probably repealed by County Government Acts, 1897, 452.

This act required the assessors of Siskiyou, Calaveras, Amador, and Alpine counties appointing deputies, in pursuance of power given by the board of equalization, to pay such deputies.

TITLE 35.

ASSIGNMENTS OF CONTRACTS.

ACT 260.

Relative to bonds, due bills and other instruments in writing and making them assignable. [Stats. 1850, p. 332.]

This act has not been in terms repealed, and in the absence of positive legislation, it is difficult to tell what, if any, part of it is in force.

TITLE 36.

ATTORNEY-GENERAL.

ACT 265.

The better to enable the collection of judgments in favor of the state. [Stats. 1858, 159.]

This act authorized the attorney-general to bid in property under execution in favor of and for the benefit of the state. It was superseded by Political Code, sec. 470, subd. 8.

ACT 266.

To provide the office of the attorney-general with law books required by him for the conduct of his business and requiring the state librarian to provide and furnish the same. [Stats. 1895, p. 65.]

TITLE 37.**ATTORNEYS AT LAW.****ACT 271.**

Concerning attorneys and counselors at law. [Stats. 1851, 48.]

Amended 1859, 60; 1861, 40; 1869-70, 578. Superseded by Code of Civil Procedure, secs. 275 et seq.

TITLE 38.**AUBURN.****ACT 276.**

Authorizing the trustees of Auburn to remove a cemetery, and to donate the land occupied thereby to the public for a park. [Stats. 1895, p. 109.]

TITLE 39.**BANKRUPTCY AND INSOLVENCY.****ACT 281.**

Insolvent debtors, relief of. [Stats. 1875-6, p. 581.]

Supplementing act of May 4, 1852. Repealed by Insolvent Act of 1880, 82.

Cal.Rep.Cit. 64, 492.

ACT 282.

For the relief of insolvent debtors. [Stats. 1880, p. 82.]

Amended 1891, 511; 1893, 45. Repealed 1895, 131.

Cal.Rep.Cit. 65, 363; 106, 579.

ACT 283.

For the relief of insolvent debtors, for the protection of creditors and for the punishment of fraudulent debtors. [Stats. 1895, p. 131.]

Amended 1897, 35. Superseded by the federal law.

Cal.Rep.Cit. 117, 28; 118, 435; 126, 638; 127, 104; 130, 572; 130, 578.

TITLE 40.

BANKS AND BANKING.

ACT 288.

For the formation of savings corporations. [Stats. 1862, p. 199.]

Amended 1863-4, 158, 531; 1865-6, 626; 1869-70, 180; 1871-2, 132. Supplemented 1867-8, 459.

"Repealed by section 288, Civ. Code; and even as to pre-existing corporations modified by the codes and the constitution. (McGowan v. McDonald, 111, Cal. 57.)"—Code Commissioners' note. See, also, Laidlaw v. Pacific Bank, 70 Pac. 277; Murphy v. Pacific Bank, 119 Cal. 334.

Cal.Rep.Cit. 72, 200; 111, 62; 111, 62; 119, 338; 137, 394; 137, 395.

ACT 289.

Supplemental to the act for formation of savings corporations. [Stats. 1867-8, p. 459.]

Repealed by section 288, Civ. Code. See note to Act. 632, post.

ACT 290.

To provide for the formation of corporations for the accumulation of funds and savings and the direct promotion of manufacturing and mechanic arts, agriculture and mining. [Stats. 1869-70, 523.]

Repealed by sec. 288, Civ. Code. See note to act 632, post.

ACT 291.

Concerning corporations engaged in banking. [Stats. 1875-6, p. 729.]

Repealed 1893, 112; 1895, 77.

This act provided for the publication of sworn statements by banks.

Cal.Rep.Cit. 72, 56; 97, 32.

ACT 292.

To compel savings banks to publish a sworn statement of unclaimed deposits. [Stats. 1893, p. 183.]

This act appears in full in Civil Code, Appendix, p. 674.

ACT 293.

To compel all depositaries of money and commercial banks to publish a sworn statement of all unclaimed deposits. [Stats. 1897, p. 27.]

This act appears in full in Civil Code, Appendix, p. 675.

ACT 294.

Providing for the dissolution and winding up of savings banks, trust companies, etc., and providing for disposition of funds not claimed within five years. [Stats. 1891, p. 271.]

This act appears in full in Civil Code, Appendix, p. 676.

ACT 295.

Creating a board of bank commissioners. [Stats. 1877-8, p. 740.]

Amended 1887, 90; 1895, 172; 1901, 80. Repealed 1903, 73.

CalRep.Clt. 106, 69; 79, 465; 86, 259; 97, 472; 100, 111; 102, 450; 106, 69; 125, 457; 133, 108.

ACT 296.

An act creating a board of bank commissioners, and prescribing their duties and powers.

[Approved March 24, 1903. Stats. 1903, 365.]

The people of the state of California, represented in senate and assembly, do enact as follows:

Section 1. Within ten days after the passage of this act the governor shall appoint, by and with the advice and consent of the senate, four competent persons, one of whom shall be an expert of accounts, to be styled bank commissioners; and the governor shall designate, at the time of such appointment, their respective terms of office in accordance with the following classification, viz.: Two of said commissioners shall serve for two years, and two for four years. Their successors shall be appointed by the governor, and hold their office for the term of four years and until their successors are appointed and qualified. Should a vacancy occur either by death, removal from the state or otherwise, the governor shall appoint his successor for the unexpired portion of his term. The persons who are so appointed shall have no official connection with nor be in the employ of any savings bank, bank, banking company, or banking society, nor shall they, during their terms of office, own or be interested in the stock or other property thereof. Said commissioners shall have their office in the city of San Francisco.

Sec. 2. The bank commissioners, before entering upon the duties of their office, must execute an official bond in the sum of twenty thousand dollars, and take the oath

of office, all as prescribed by the Political Code for state officers in general.

Sec. 3. The duties of the bank commissioners shall be to prepare and furnish to every savings bank, bank, and banking company, or any other corporation incorporated under the laws of this state, or of any other state or territory, or foreign country, doing a banking business in this state, applying therefor, a license, in the form to be prescribed by them, authorizing such corporation to use the name and to transact the business of a savings bank, bank, or banking company, until the first day of July next thereafter; to receive and place on file in their office the reports required to be made by savings banks, banks, or banking corporations, by this act; to prepare and furnish, on demand, to all persons, firms, partnerships, corporations, or officers required to make and return statements or reports to said bank commissioners by the provisions of this act, blank forms for such statements or reports as may by law be required of them; to make, on or before the first day of October in each year, a report to the governor of this state, containing a tabular statement and synopsis of the several reports which have been filed in their office since their last report, and any other proceedings had or done by them under this act, showing generally the condition of the respective savings, commercial and other banking corporations or institutions of this state, and such other matters as in their opinion may be of interest to the public, with a detailed statement, verified by their oaths, of all moneys and fees of office received by them during the same period.

Sec. 4. It shall be the duty of one or more of the bank commissioners, as designated by the commissioners, once in each year, and as often as in their judgment may be deemed necessary, without previous notice, to visit and make, personally, a full examination of each and every corporation mentioned in section three of this act; to inspect all books, papers, notes, bonds, or evidences of debt of such corporation, and all securities; to ascertain the condition of every such corporation, its solvency, its ability to fulfill its obligations, and, if in their opinion it is deemed necessary, report its condition to the attorney-general as soon as practicable after such examination.

Sec. 5. Such commissioners must examine, under oath,

any of the officers, agents, and servants of any such corporation, in relation to the affairs and condition of such corporation, and may administer such oath personally; and whoever shall neglect or refuse, after demand and notice thereof, and without justifiable cause, to appear, or testify under oath, before the said commissioners in the discharge of their duties, shall be deemed guilty of misdemeanor, and on conviction thereof be punished by a fine not exceeding five thousand dollars, or by imprisonment in the county jail not exceeding one year, or by both such fine and imprisonment.

Sec. 6. If any bank commissioner shall have knowledge of the insolvency or unsafe condition of any corporation mentioned in this act, and shall neglect to report the same, in writing, to the attorney-general, as required by this act, he shall on conviction thereof be punished by a fine not exceeding ten thousand dollars nor less than five thousand dollars, or by imprisonment in the county jail not less than one year nor more than two years, or by both such fine and imprisonment, and his office shall be declared vacant by the governor, and a successor be appointed for the unexpired term.

Sec. 7. No corporation shall use the name or transact the business of a savings bank, or bank, or banking corporation, without the license provided for by section three of this act; and any corporation violating this provision shall forfeit the sum of one hundred dollars per day during the continuance of the offense; and any person who enters upon, engages in, or carries on, or in any manner attends to the business or management of a savings bank, or bank, or banking corporation, doing business without such license, whether as manager, principal, agent, officer, employee, or otherwise, shall forfeit the sum of one hundred dollars for every day he so enters upon, engages in, or carries on, or attends to such business; and any violation of this section is also hereby declared to be a misdemeanor.

Sec. 8. Any corporation mentioned in section three of this act, including banks in liquidation or insolvency, shall, whenever required by the board of bank commissioners, make a report in writing to the commissioners, verified by the oath of its president and its secretary, or cashier, or its two principal officers. Said report

shall show the actual financial condition of the corporation making the report at the close of any past day by the commissioners specified, by stating:

First—The amount of its capital stock, and the number of shares into which it is divided;

Second—The names of the directors, and the number of shares of stock held by each;

Third—The total amount actually paid, in money, by stockholders for capital stock, and the total amount of reserve fund, if any;

Fourth—The total amount due to depositors;

Fifth—The total amount and character of any other liabilities it may have;

Sixth—The amount at which the lot and building occupied by the bank for the transaction of its regular business, stands debited on its books, together with the market value of all other real estate held, whether acquired in settlement of loans or otherwise; the amount at which it stands debited on the bank books; in what county situated, and in what name the title is vested, if not in the name of the corporation itself;

Seventh—The amount loaned on real estate, specifying the amount secured on real estate in each county separately; also, specifying the name of the person in whose name the property is held in trust, or as security, in case it is held in any name other than that of the bank, and the instrument creating the security does not of itself disclose the name of the bank;

Eighth—The amount invested in bonds, designating each particular class, and the amount thereof;

Ninth—The amount loaned on stocks and bonds, designating each particular class, and the amount thereof;

Tenth—The amount of money loaned on other securities, with a particular designation of each class, and the amount loaned on each;

Eleventh—The actual amount of money on hand or deposited in any other bank or place, with the name of the place where deposited, and the amount in each place;

Twelfth—Any other property held or any amount of money loaned, deposited, invested, or placed, not otherwise herein enumerated, with the place where situate, and the value of such property, and the amounts so loaned, deposited, or placed.

The oaths of the officers to the statements above required shall state that they, and each of them, have a personal knowledge of the matters therein contained, and that they believe every allegation, statement, matter, and thing therein contained is true; and any willfully false statement in the premises shall be perjury, and shall be punished as such. The reports as provided for by this section shall by the commissioners be required from each and every corporation herein mentioned at least three times in each year, and shall be transmitted to the commissioners within fifteen days after the receipt from them of a request or requisition therefor.

Sec. 9. Any corporation mentioned in section three of this act failing to furnish to the bank commissioners any report by them required under the provisions of this act within the time herein specified, shall forfeit the sum of one hundred dollars per day during the time of such default.

Sec. 10. If the bank commissioners, on examination of the affairs of any corporation mentioned in section three of this act, shall find that any such corporation has been guilty of violating its charter, the laws of this state, or any of the provisions of this act, or is conducting business in an unsafe manner, they shall, by an order addressed to the corporation so offending, direct discontinuance of such illegal and unsafe practices, and a conformity with the requirements of the law and its charter, and of the provisions of this act. And if such corporation shall refuse or neglect to conform with such requirements before the expiration of the time in the order specified, or if it shall appear to said commissioners and they shall unanimously decide that it is unsafe for any such corporation to continue to transact business, it shall be the duty of the commissioners immediately to take such control of such corporation, and all the property and effects thereof, as may be necessary to prevent waste or diversion of assets, and to hold possession of the same until the order of court hereinafter mentioned, and to immediately notify the governor and the attorney-general of their action; and it is hereby made the duty of the attorney-general, upon receiving such notification, to immediately commence suit in the proper court against such corporation, and all the directors or trustees thereof, to enjoin and pro-

hibit them from the transaction of any further business. If upon the hearing of the case the court shall find that such corporation is solvent and may safely continue business, it shall dismiss the action, and order that the corporation be restored to the possession of the property, but if the court shall find that it is unsafe for such corporation to continue business, or that such corporation is insolvent, said court shall by its decree order such corporation into involuntary liquidation, and shall issue the injunction applied for, and shall cause the same to be served according to law, and shall order the commissioners to surrender the property of the corporation in their possession to a receiver appointed by the court for the purpose of liquidation in such proceeding, under the orders and direction of the court. The issuance of the injunction hereinbefore provided for shall, by operation of law, dissolve any and all attachments levied upon any property of such corporation within one month next preceding the date of the notification by the commissioners to the governor and the attorney-general as provided for in this section; and no attachment or execution shall, after the issuance of such injunction and during the process of liquidation, be levied upon any property of such corporation, nor shall any lien be created thereon. If a receiver be appointed, before surrendering to him the property of the corporation for purposes of liquidation, the person named as receiver shall execute to the people of the state of California, an undertaking, with sufficient sureties, in an amount to be fixed by the court, that he will well and truly perform all the duties devolving on him by reason of such receivership, and that he will faithfully discharge the duty of receiver in the proceeding, and obey the orders of the court therein. Every receiver appointed under the provisions of this section shall make report of the conditions of the affairs under his charge to the bank commissioners in the same manner as the solvent banks mentioned in this article are, by law, required to do, and, in addition thereto, shall state the amount of dividends paid, debts collected, and the money realized on property sold, if any, since the previous report. The bank commissioners shall have the power, and it is hereby made their duty, to examine the conditions of the affairs of every such corporation in liquidation, in the same manner as

in case of solvent banks, businesses, and institutions, and they shall have a general supervision of the affairs of such corporation in liquidation. They shall have the power to limit the number of employees necessary to close up the business of any such corporation in liquidation, and also to limit the salaries of the same, and shall do all in their power to make such liquidation as economical and as expeditious as the interests of the creditors, depositors, and stockholders will admit. If any officer or employee of any association or corporation solvent, insolvent, or in liquidation, or if any other person, shall refuse to comply with the provisions of this section, or disregard or refuse to obey the directions of said bank commissioners, given in accordance with the provisions of this act, such person, officer, or employee shall be punished by a fine not exceeding five thousand dollars or by imprisonment in the county jail not exceeding one year, or by both such fine and imprisonment. When the receiver herein provided for shall have been appointed and qualified, the duties of the attorney-general shall end.

The bank commissioners shall, by a resolution entered upon its minutes, concurred in by at least three members, have power to employ legal counsel for any of the purposes mentioned in this section or to enforce any of the penalties prescribed by this act, without the consent of the attorney-general, the expense thereof to be a charge against the individual bank concerning which said services are required, and if more than one bank, then pro rata among such banks.

Sec. 11. The bank commissioners shall each receive a salary of three thousand six hundred dollars per annum, and necessary traveling expenses, not to exceed, for the four commissioners, the sum of four thousand dollars per annum, to be audited by the state controller and paid by the state treasurer, in the same manner as the salaries and expenses of other state officers. No person while holding any other office, or engaged in business of any kind requiring his personal attention, between the hours of nine A. M. and four P. M., shall serve as bank commissioner.

Sec. 12. The bank commissioners shall furnish each member of the legislature with a copy of their annual

report, at each session of the legislature, during the first week of the session.

Sec. 13. The bank commissioners shall have the power to appoint a secretary, at a salary of two hundred dollars per month. The said commissioners shall keep their office open for business from nine o'clock A. M. until four o'clock P. M. every day, except non-judicial days. They shall procure rooms necessary for their office, at a rent not to exceed seventy-five dollars per month. They may also provide stationery, fuel, and other conveniences necessary for the transaction of their duties, not exceeding in the aggregate the sum of twelve hundred dollars per annum. All expenditures authorized in this section shall be audited and paid in the same manner as the salary of the commissioners.

Sec. 14. All reports required to be made to the bank commissioners by the provisions of this act shall be filed, and kept on file, by the bank commissioners, in their office, and shall be open to the inspection of the public during their office hours.

Sec. 15. To pay the salaries and all other necessary expenses of the commissioners, as provided for by this act, every corporation receiving a license shall pay annually, in advance, to the commissioners, in gold coin, its share of the amount required to pay such salaries and expenses; the share to be paid by any corporation to be determined by the proportion which its deposits bear to the aggregate deposits of all such corporations receiving licenses, as shown by the latest reports of such corporations to the commissioners. Said commissioners shall, on demand made therefor, and without charge, furnish to every corporation, society, association, company, institution, firm, person, or persons, mentioned in this act, copies of papers, statements, and reports filed in their office, and may, as provided by this act, recover any and all moneys payable to them by any corporation, association, society, company, institution, firm, person, or persons, herein mentioned; and all moneys collected or received by such bank commissioners, or either of them, under or by virtue of the provisions herein, shall be by them delivered to the treasurer of this state, who shall pay the same into a fund which is hereby created, and which shall be known as the 'Bank Commissioners' Fund.' And the unexpended bal-

ances of all moneys heretofore paid into the state treasury by said bank commissioners shall be transferred to said fund and become a part thereof.

Sec. 16. The bank commissioners shall keep proper books of record of all acts, matters, and things done by them under the provisions of this act, which shall be open to the inspection of the public during their office hours.

Sec. 17. The bank commissioners or either of them may issue subpoenas for witnesses to attend and testify before them or either of them on any examination by this act authorized, which must be served, obeyed, and enforced as provided in the Code of Civil Procedure for civil cases; the commissioners to issue attachments, and impose the penalty for disobedience, and the witnesses may be punished as provided in the Penal Code.

Sec. 18. The bank commissioners may sue for and recover, in the name of the people, in any court of competent jurisdiction, all sums of money which become due, payable, or forfeited by any of the provisions of this act.

Sec. 19. The commissioners shall, upon the expiration of their term of office, deliver to their successors, or if there be none, then to the controller of state, all property, books, reports, and papers of every description pertaining to their office.

Sec. 20. Every person engaged for himself, or any person being the cashier, manager, or agent, of two or more persons, not incorporated, engaged in the business of banking, or publicly receiving money on deposit, must three times in each year, or oftener, as may be required by the board of bank commissioners, make a report in writing to the commissioners, verified under oath, which report shall show the actual financial condition of the said business on any past day by the commissioners specified, and shall also state the facts required to be stated by incorporated banks or banking corporations in section eight of this act, so far as the same appertain to said business. Such reports shall be transmitted to the commissioners within fifteen days after the receipt from the commissioners of a request or requisition therefor. Every person violating any of the provisions of this section is guilty of a misdemeanor, and is punishable by imprisonment in the county jail for not less than ninety days nor more than six months, or by fine of not less than one

hundred dollars nor more than five hundred dollars, or by both such fine and imprisonment.

Sec. 21. The use of the word "bank," or any other word or terms denoting or implying the conduct of the business of banking, or the use of the word "savings," alone or in connection with other words denoting or implying the conduct of the business of a savings institution, or a savings and loan society, is hereby prohibited to all persons, firms, associations, companies, or corporations other than those subject to the supervision of the bank commissioners or required by this act to report to them, and no license as in this act provided shall be issued by the commissioners to any corporation that does not receive money from the public as deposits in manner customary with commercial or savings banks. Any person, firm, association, company, or corporation not subject to the supervision of the bank commissioners or not required by this act to report to them, making use of terms implying conduct of a bank, savings bank, or savings and loan society by means of signs, advertisements, letter heads, bill heads, blank notes, blank receipts, certificates, circulars, or any written or printed or partly written and partly printed paper whatever, having thereon any artificial or corporate name or other word or words indicating that such business is the business of a bank, savings bank, or savings and loan society, shall forfeit for each day the offense is continued the sum of one hundred dollars, to be recovered as provided in this act.

Sec. 22. The commission hereby established shall be the legal successor of the bank commissioners created by the act creating a board of bank commissioners, approved March 30, 1878, and the acts amendatory thereto, and shall be entitled to have and receive all the books, records and other property acquired by and belonging to the said bank commissioners and shall be substituted for and continue in the stead and place of said bank commissioners all suits, actions and proceedings at law now pending wherein said bank commissioners are a party.

Sec. 23. All acts or parts of acts in conflict with this act are hereby repealed.

Sec. 24. This act shall take effect immediately.

TITLE 41.

BARBERS.

ACT 301.

To regulate the practice of barbering, the registering and licensing of persons to carry on such practice, and to insure the better education and promote competency and skill among such practitioners in the state of California. [Approved February 20, 1901. Stats. 1901, 15.]

Repealed 1903, 186.

TITLE 42.

BEE CULTURE.

ACT 303.

To authorize the boards of supervisors of the several counties of this state to appoint inspectors of apiaries and provide for their compensation, and defining their duties, and for the further protection of bee-culture. [Approved March 13, 1883; 1883, 285.]

Repealed 1901, 13.

The nature of the act appears from its title.

ACT 307.

To promote the apicultural interests of the state of California by providing county inspectors of apiaries, and defining their duties, and providing for their compensation, and repealing the act entitled "An act to authorize the board of supervisors of the several counties of this state to appoint inspectors of apiaries, and provide for their compensation, and defining their duties, and for the further protection of bee-culture," approved March 13, 1883. [Approved February 20, 1901. Stats. 1901, 13.]

Amended 1903, 7.

TITLE 43.

BENEFIT SOCIETIES.

ACT 312.

Mutual benefit and relief associations. [Stats. 1878-4, p. 745.]

Amended 1880, 25; 1901, 6.

This act appears in full in Civil Code, Appendix, p. 678.

Cal.Rep.Cit. 128, 268.

TITLE 44.

BENEVOLENT CORPORATIONS.

ACT 317.

To further extend the act concerning corporations. [Stats. 1857, p. 75.]

This act authorized the formation of corporations for benevolent purposes. See note to act 632, post.

ACT 318.

Further extending act concerning corporations. [Stats. 1858, p. 57.]

Amended and supplemented 1858, 264.

This act allowed the formation of corporations for charitable and benevolent purposes.

ACT 319.

Supplementary to act of 1850 concerning corporations. [Stats. 1858, p. 264.]

This act authorized the formation of corporations for benevolent and literary purposes. See the note to act 632, post.

TITLE 45.

BENICIA.

ACT 324.

To settle land titles in. [Stats. 1865-6, p. 107.]

ACT 325.

To cede certain property to. [Stats. 1855, 239.]

This act ceded to Benicia the entire waterfront of that city.

Cal.Rep.Clt. 118, 345.

ACT 326.

Election of assessor, city marshal, and treasurer of. [Stats. 1877-8, p. 400.]

Superseded by incorporating, in 1886, under Municipal Corporation Act of 1883.

ACT 327.

To provide for the government of. [Stats. 1859, 314.]

Supplemented 1860, 118; 1861, 17. Amended 1862, 231; 1867-8, 3, 206; 1869-70, 854; 1873-4, 777. Superseded by incorporating, in 1886, under the Municipal Corporation Act of 1883.

TITLE 46.

BERKELEY.

ACT 332.

To incorporate the town of. [Stats. 1877-8, p. 888.]

Superseded by the charter of Berkeley, 1895, 410. (Miner v. Justices' Court, 121 Cal. 264.)

ACT 333.

To create a justice's court for the town of. [Stats. 1895, p. 205.]

Unconstitutional. (Miner v. Justices' Court, 121 Cal. 264.)

TITLE 47.

BIG TREES.

ACT 338.

Big trees, protection of, in Fresno, Tulare and Kern Counties. [Stats. 1873-4, p. 347.]

ACT 339.

To provide for the management of the Mariposa big tree grove. [Stats. 1880, 44.]

Amended 1885, 212.

TITLE 48.

BILLS AND NOTES.

ACT 344.

Relating to bills of exchange and promissory notes. [Stats. 1850, p. 247.]

Superseded by provisions of Civil Code relating to negotiable instruments.

Cal.Rep.Cit. 90, 107; 103, 322; 103, 323.

TITLE 49.

BLUE BOOK.

ACT 349.

To provide for the compilation, printing, binding, publishing and distribution of a legislative manual and state blue book, or roster, and repealing conflicting acts. [Approved February 13, 1908. Stats. 1903, 19.]

Former acts can be found in Statutes 1891, 454, and 1893, 218.

TITLE 50.

B'NAI B'RITH.

ACT 354.

Concerning order of B'nai B'rith. [Stats. 1867-8, p. 310.]

Repealed by sec. 288, Civ. Code. See note to act 632, post.
This act conferred corporate power on this society.

TITLE 51.

BOARD OF EXAMINERS.

ACT 359.

Purchase of supplies for state officers and members of the legislature. [Stats. 1875-6, p. 314.]

This act constituted the state board of examiners a furnishing board with certain powers and duties.

ACT 360.

To authorize the state board of examiners to invest the moneys derived from the state school lands in the bonds of the several counties of this state. [Stats. 1871-2, 54. Repealed 1883, 25.]

ACT 361.

Authorizing state board of examiners to sell old furniture and all material belonging to the state and not required for public use. [Stats. 1891, p. 452.]

ACT 362.

Prescribing certain duties to be performed by the state controller, state treasurer, and state board of examiners. [Stats. 1871-2, p. 118.]

This act appears in full in Political Code, Appendix, p. 1103.

TITLE 52.

BOARDS OF FREEHOLDERS.

ACT 367.

In relation to municipal elections where the same are held separate from general state elections, and elections held under the authority of section eight of article eleven of the constitution, to elect boards of freeholders, or to vote upon proposed charters or upon amendments to existing charters, and to repeal an act entitled an act in relation to elections held under the authority of section eight of article eleven of the constitution, approved March 31, 1897. [Approved March 4, 1899. Stats. 1899, 53.]

Cal.Rep.Cit. 133, 344.

BOARDS OF TRADE.

See title Chambers of Commerce.

TITLE 53.

BONDS.

ACT 369.

To provide for funding the indebtedness of counties in certain cases. [Stats. 1884, 8.]

Superseded by County Government Act, subd. 13, sec. 25, 1897, 460.

ACT 370.

To provide for the funding indebtedness of the several counties of the state and the issuing of bonds therefor. [Stats. 1889, p. 37.]

Superseded by sec. 25, County Government Act, 1897, 457.

ACT 371.

Authorizing the several counties of the state to create a bonded indebtedness. [Stats. 1889, p. 348.]

Superseded by sec. 25, County Government Act, 1897, 460.

ACT 372.

Providing for submitting to the qualified electors of a county or city and county a proposed issue of bonds. [Stats. 1883, p. 375.]

Superseded by sec. 25, County Government Act of 1897, and as to San Francisco by its charter.

ACT 373.

Authorizing the board of supervisors of any county, or any subdivision of a county, having a bonded debt, to refund such debt at a less rate of interest. [Approved March 18, 1885, 211.]

Superseded by subd. 13, sec. 25, County Government Act, 1897, 460.

ACT 374.

To provide for the payment of interest on the outstanding bonds of the state held in trust for the university fund and the state school fund. [Stats. 1893, p. 75.]

Amended 1899, 93.

ACT 375.

To provide for the redemption and payment of certain funded debt bonds of the state. [Stats. 1898, p. 49.]

ACT 376.

To provide for the issuance and sale of state bonds to create a fund for the construction by the board of state harbor commissioners of a seawall and appur-

tenances in the city and county of San Francisco; to create a sinking fund for the payment of said bonds; and providing for the submission of this act to a vote of the people. [Approved March 20, 1903. Stats. 1903, 247.]

This act provided for the submission to the people of the question of voting upon the issuance of bonds to the amount of \$2,000,000 for the construction of a seawall in San Francisco.

ACT 377.

To facilitate the giving of bonds required by law. [Stats. 1885, p. 114.]

Cal.Rep.Clt. 97, 855.

This act appears in full in Code of Civil Procedure, Appendix, p. 781; also in Civil Code, Appendix, p. 680. It authorized surety corporations to act as sole surety.

ACT 378.

In relation to suits brought on official bonds and obligations in favor of the state. [Stats. 1857, 173.]

Superseded by Political Code, secs. 982, 984.

ACT 379.

To provide for the payment by the state or counties, or cities, or cities and counties, of the premium or charge on official bonds when given by surety companies. [Stats. 1903, 476.]

This act appears in full in Political Code, Appendix, p. 1041.

ACT 380.

To provide for the redemption and payment of certain funded debt bonds of this state, together with interest thereon, making an appropriation therefor, and authorizing the state controller and state treasurer to transfer the sum of one hundred and twenty thousand dollars from the general fund to the interest and sinking fund to carry out the provisions of this act. [Approved February 27, 1893. Stats. 1893, p. 49.]

ACT 381.

To provide for the payment of funded indebtedness of the state of California, and to contract a funded debt for that purpose. [Approved March 31, 1891. Stats. 1891, p. 210.]

The act created a board of commissioners to issue bonds for the purpose indicated and provided for the sale and redemption of the bonds.

ACT 382.

An act authorizing the common council, board of trustees, or other governing body of any incorporated city or town other than cities of the first class to refund its indebtedness, to issue bonds therefor, and to provide for the payment of the same.

[Stat. approved March 9, 1897; Stats. 1897, 75, amended 1901, 274.]

Unconstitutional in part. (*Los Angeles v. Hance*, 122 Cal. 77.)

The people of the state of California, represented in senate and assembly, do enact as follows:

Section 1. The common council, board of trustees, or other governing body of any incorporated city or town other than cities of the first class, in this state, having an outstanding indebtedness, evidenced by bonds or warrants thereof, or by judgment or judgments recovered against it upon bonds or warrants originally issued by such town or city, is empowered, by a two-thirds vote of its number, to fund or refund the said indebtedness and issue bonds of such city or town therefor in sums of not less than one hundred dollars nor more than one thousand dollars each, and having not more than forty years to run, and bearing a rate of interest not exceeding six per cent per annum, payable semi-annually; provided, that no indebtedness shall be refunded at a higher rate of interest than that borne by the original debt. Such bonds shall be of the character known as "serials," not less than one fortieth of the principal being payable each year, together with the interest due on all sums unpaid. Principal and interest on said bonds shall be payable in gold coin or other lawful money of the United States, as may be expressed in said bonds, at the office of the treasurer of said city or town. Said bonds shall be sold in the manner provided by such city council or other governing body, to the highest bidder therefor, for not less than their face value, in the same character of money as that in which they are payable. The proceeds of such sale shall be placed in the treasury of such city or town to the credit of the "funding fund," and shall be applied only to refunding the indebtedness for which said bonds were issued. Said trustees, or other governing body, shall at the time for fixing the general tax levy for each year, and in the same manner as such

tax levy is made, levy and collect sufficient money to pay such part of the principal of said bonds issued under this act as one year bears to the number of years for which the bonds are to run, and also the annual interest upon the sums unpaid. [Amended 1901, 274.]

Sec. 2. Whenever sufficient money is in the funding fund, in the hands of the treasurer, to redeem one or more of the outstanding bonds proposed to be refunded, he shall publish once a week for two weeks in some newspaper of general circulation published in such city or town, if there be any, a notice to the effect that he is prepared to pay such bond or bonds (giving the number thereof), and if the same are not presented for redemption within thirty days after the first publication of such notice, the interest on such bonds will cease. He shall, at the same time, deposit in the post office a copy of such notice, inclosed in a sealed envelope, with the postage paid thereon, addressed to the owner or owners of such bond or bonds, at the post office address of such owner or owners, as shown by the record thereof kept in the treasurer's office. If such bond or bonds are not presented within the time specified in such notice, the interest thereon shall then cease, and the amount due be set aside for the payment of the same, whenever presented. All redemption of bonds shall be made according to the priority in the order of their issuance, beginning at the first number. Whenever such outstanding bonds are surrendered and paid, the treasurer shall proceed to cancel the same by indorsing on the face thereof the amount for which they are received, the word "Canceled" and the date of cancellation. He shall also keep a record of such bonds so redeemed, and shall make a report of the same to the common council, or other governing body of such city or town, at least once a month, accompanying the same therewith by the bonds which have been taken up and canceled.

Sec. 3. All moneys which shall remain in said funding fund after all outstanding bonds or indebtedness as were proposed to be refunded have been taken up and canceled, shall be paid into the general fund of such city or town, and become a part thereof. [Amended 1901, 275.]

Sec. 4. Chapter eighty-two of the statutes of eighteen hundred and eighty-three, chapter forty-eight of the

statutes of eighteen hundred and ninety-three, and chapter one hundred and seventy-six of the statutes of eighteen hundred and ninety-five, all being laws of the state of California in conflict herewith, are hereby repealed.

Sec. 5. This act shall take effect and be in force immediately after its passage.

This act repealed the act of March 15, 1883; Stats. 1883, p. 370, and the amendatory acts of March 1, 1893, Stats. 1893, 61, and of March 27, 1895, Stats. 1895, p. 203, providing for the refunding of indebtedness and the issuing of bonds.

ACT 383.

An act providing for submitting to a vote of the qualified electors of a county, or city and county, a proposal to issue bonds.

[Approved March 15, 1883; 1883, 375.]

Issue of bonds to be submitted to vote.

Section 1. Any county, or city and county, in which the board of supervisors may declare by resolution that the income and revenue provided for it for the fiscal year ending June thirtieth, eighteen hundred and eighty-three, will not be sufficient to carry on the government of such county, or city and county, until the commencement of the fiscal year beginning July first, eighteen hundred and eighty-three, may, by resolution adopted by a majority of such board, and with the approval of the presiding officer thereof, submit to a vote of the qualified electors of such county, or city and county, a proposition to issue the bonds of such county, or city and county, in a sum not to exceed five hundred thousand dollars, in accordance with section eighteen of article eleven of the constitution of the state of California.

Supervisors to issue and negotiate.

Sec. 2. The said board of supervisors are granted full power and authority to provide by ordinance for the printing, signing, custody, redemption, and issuance of all bonds under the provisions of this act, and for their negotiation, sale, or exchange for cash, or for county, or city and county indebtedness; provided, that said bonds shall not be sold below par.

Sinking fund created.

Sec. 3. Before any election is held to determine the question of the issuance of said bonds, the board of

supervisors may provide by ordinance for the collection of an annual tax sufficient to pay the interest on any bonds which may be issued under the provisions of this act, as said interest falls due, and also to constitute a sinking fund to pay the principal of said bonds at a time to be fixed by said board of supervisors, not more than twenty years from the date of the passage of said ordinance.

Calling of election.

Sec. 4. Whenever the said board of supervisors shall, by resolution, so request, it shall be the duty of all officers, boards, and commissioners, to call an election as herein, and by said board of supervisors provided for, and at the time (which shall not be less than ten days) provided for by said board of supervisors; and at said election the registers used at the last general or special election shall be used without new registration.

Sec. 5. This act shall be in force from and after its passage.

ACT 384.

An act to authorize the several counties of this state to create a bonded indebtedness for certain purposes.

[Approved March 19, 1889; 1889, 348.]

Issuance of bonds to pay county indebtedness, not created by law, to be submitted to a vote.

Section 1. Whenever it shall appear to the satisfaction of the board of supervisors of any county of this state that said county is justly indebted to any person or persons for money received into the treasury of said county, and used by said county, and which said indebtedness at the time of its creation was not authorized by law, they shall, by ordinance, declare that said county is justly indebted to the person or persons named in said ordinance, in a sum named therein, and that the question of issuing bonds in the sum therein named, for the purpose of paying said debt, shall be submitted to a vote of the legal voters of said county.

Notice of election.

Sec. 2. The supervisors of said county shall thereupon publish a notice calling an election to be held in said coun-

ty, submitting to the voters of said county the question whether said bonds shall be issued or not. The notice shall state the amount of bonds to be issued, the purpose for which they are issued; said notice shall be published, and the election held as provided by section thirty-seven of an act of the legislature of the state of California, entitled "An act to establish a uniform system of county and township governments," approved March fourteenth, eighteen hundred and eighty-three.

Return.

Sec. 8. If upon return of the election it shall appear that two thirds of all the voters voting at such election have voted in favor of issuing said bonds, the supervisors are required to issue bonds in the sum named in the notice of election, payable to the creditors named in said ordinance; said bonds shall bear interest at the rate of five per cent per annum, and shall be payable at such time as the board of supervisors shall order, not exceeding twenty years from date. They shall be signed by the chairman of the board of supervisors and county clerk.

Tax levy to pay interest.

Sec. 4. It shall be the duty of the board of supervisors each year to levy a tax sufficient to pay the annual interest on said bonds, and to pay the principal as the same shall become due.

This act is to take effect from and after its passage.

ACT 385.

An act providing for the destruction of municipal bonds of municipal corporations where the same have been executed and remain unsold.

[Approved February 26, 1897; Stats. 1897, 34.]

Section 1. Whenever there remain in the possession of any municipal corporations in this state any bonds voted to be issued for municipal purposes, which have been executed but not sold and disposed of, and the sale and disposal of such bonds shall be deemed by the board of trustees or other governing board of such city to have become impossible or inexpedient, and that their destruction is desirable, it shall be lawful for said board to give public notice of its intention publicly to destroy such bonds by a notice published for four successive weeks

in the official newspaper of said city, if there be such a paper, and otherwise, in any newspaper published and circulated in said city which may be designated by said board; such notice shall specify the time and place of such intended destruction, and the reason alleged therefor, together with a general description of the character and amount of said bonds. And it shall be lawful for said board, at the time and place and in accordance with the terms of said notice, publicly to destroy said bonds unless at least three days prior to said time, written objections to such destruction shall be filed with the clerk of said city, signed by a majority of the legal voters of said city as appears by the vote cast at the last preceding general municipal election.

Sec. 2. No further or other issue of bonds in place of those thus destroyed shall be made by such city, or its board of trustees, or other governing board, unless again authorized by a vote of the people as provided by law.

Sec. 3. This act shall take effect and be in force from and after its passage.

ACT 386.

An act to authorize municipal corporations to declare all or any of their bonded indebtedness to be at once due and payable, to compromise such bonded indebtedness and to consent to a judgment in favor of the holders of the same.

[Approved March 16, 1903; Stats. 1903, 164.]

The people of the state of California, represented in senate and assembly, do enact as follows:

Section 1. Whenever any incorporated city or town in this state has an outstanding indebtedness evidenced by the bonds thereof the common council, board of trustees or other governing body thereof, shall have the power to submit to the qualified electors of such city or town at any election to be held for that purpose, the question of declaring all or any of such bonds to be at once due and payable, of compromising such bonded indebtedness, of consenting to a judgment in favor of the holders of such bonds, and of providing for the payment of such judgment in installments.

Said election shall be called and held in the same manner in which other elections are held in such city or town.

The notice of such election shall specify the bonded indebtedness which it is proposed to declare at once due and payable, the terms of the proposed compromise of the same, of the proposed judgment by consent in favor of the holders of such bonds, and the proposed method of paying such judgment in installments.

The question shall be voted upon as an entirety. If at such election two thirds of the qualified electors vote in favor of the question submitted, the said common council, board of trustees or other governing body shall, by ordinance, declare the bonds described in said notice of election, to be at once due and payable and thereupon shall be authorized to carry into effect the compromise and to consent to the judgment specified in such notice of election, and to the proposed method of paying the same in installments, and to designate by resolution the officers and attorneys who shall sign the necessary documents, and to provide for the collection of an annual tax, sufficient to pay the interest on such judgment as it falls due, and such a proportion of the principal thereof as is designated in such notice of election.

Sec. 2. No proceeding under section one hereof shall affect the rights of any non-consenting holder of any bond or bonds specified in the notice of election.

Sec. 3. In any action brought upon any of the bonds described in the notice of election, the judgment of any court of competent jurisdiction in such action, shall be conclusive as to the regularity of all proceedings taken under the provisions of section one of this act.

Sec. 4. Whenever any action is brought upon any of the bonds described in the notice of election, the plaintiff shall be required to deposit in the court in which such action is brought, the bonds upon which he sues and when the judgment of such court, rendered in accordance with the terms of the proposed compromise described in such notice of election, becomes final, the bonds sued upon shall be delivered to the treasurer of the city or town against which such judgment is rendered, to be held by him and his successors in office until such judgment shall have been satisfied in full. If for any reason such judgment should be reversed or set aside or any orders or writs thereunder should be disobeyed by the defendant or its officers, it shall be the duty of such treasurer to return

such bonds to the plaintiff who thereupon may at his own option be relegated to all the rights which he held and enjoyed under such bonds, crediting, however, on such rights, all amounts already received on such judgment. The performance of the duty imposed herein upon such treasurer may be enforced by the court in which such judgment is rendered.

Sec. 5. All acts or parts of acts conflicting with this act are hereby repealed.

Sec. 6. This act shall take effect immediately.

ACT 387.

An act in relation to municipal bonds.

[Approved February 28, 1903; Stats. 1903, 61.]

The people of the state of California, represented in senate and assembly, do enact as follows:

Section 1. Whenever the owner of any coupon bond, or of any bond payable to bearer, already issued or hereafter issued by any municipal corporation now or hereafter existing in this state, shall present any such bond to the treasurer or other officer of such corporation, who by law performs the duties of treasurer, with a request for the conversion of such bond into a registered bond, such treasurer, or such other officer, shall cut off and cancel the coupons of any such coupon bond so presented, and shall stamp, print, or write upon such coupon bond, or such other bond payable to bearer, so presented, either upon the back or upon the face thereof, as may be convenient, a statement to the effect that the said bond is registered in the name of the owner, and that thereafter the interest and principal of said bond are payable to the registered owner. Thereafter, and from time to time any such bond may be transferred by such registered owner in person, or by attorney duly authorized on presentation of such bond to such treasurer, or such other officer, and the bond be again registered as before, a similar statement being stamped, printed, or written thereon. Such statement stamped, printed, or written upon any such bond may be in substantially the following form:

(Date, giving month, year, and day.)

This bond is registered pursuant to the statute in such cases made and provided in the name of ----- (here

insert name of owner) and the interest and principal thereof are hereafter payable to such owner.

Treasurer (or such other officer).

After any bond shall have been registered as aforesaid, the principal and interest of such bond shall be payable to the registered owner. Such treasurer, or such other officer, shall keep in his office a book or books which shall at all times show what bonds are registered and in whose names respectively.

Sec. 2. Whenever under any statute of this state or any charter of any municipal corporation in this state, any bonds are issued, whether the proceedings for the issuance of such bonds have been had in whole or in part prior to the enactment of this statute, or whether the same have been had in whole or in part after the enactment of this statute, such bonds may be issued either in the form of coupon bonds, or in the form of registered bonds, or some in the form of coupon bonds, and some in the form of registered bonds, as has been or hereafter may be provided in the proceedings for the issuance of such bonds, and notwithstanding any language or provision to the contrary contained in any such statute or charter authorizing the issuance of the bonds, or in any other law of the state. The provisions of section one of this act shall apply to coupon bonds, so issued, as well as to other coupon bonds, or other bonds payable to bearer.

Sec. 3. This act shall take effect immediately.

TITLE 54.

BOOMS.

ACT 332.

Authorizing boards of supervisors to grant franchises for constructing booms. [Stats. 1881, p. 25.]

Superseded by subd. 35, sec. 25, County Government Act, 1897, 466. Repealed 1901, 265.

TITLE 55.

BOUNDARIES OF STATE.

ACT 337.

To provide for the correction and establishment of the eastern boundary of the state. [Stats. 1889, p. 88.]

Perhaps obsolete, for it provided the work was to be done in one year.

ACT 396.

To define and establish a portion of the eastern boundary of the state of California. [Became a law under constitutional provision without governor's approval, March 1, 1901. Stats. 1901, p. 89.]

TITLE 56.**BOUNTIES.****ACT 403.**

Fixing a bounty on coyote scalps. [Stats. 1891, p. 280.]

Repealed 1895, 1.

Cal.Rep.Cit. 106, 116; 106, 120; 106, 125.

TITLE 57.**BRANCIFORTE.****ACT 408.**

To settle land titles in the town of Branciforte, Santa Cruz County. [Stats. 1863-4, p. 443.]

TITLE 58.**BRAZOS DEL RIO.****ACT 412.**

Changing the name of the town of Brazos del Rio in Solano County to Rio Vista. [Stats. 1861, p. 12.]

TITLE 59.**BRIDGES.****ACT 418.**

Authorizing cities to maintain drawbridges across navigable streams flowing through or penetrating the boundaries of such cities. [Stats. 1883, p. 295.]

ACT 419.

An act concerning bridges across navigable streams.

[Approved February 25, 1897; Stats. 1897, 21.]

Section 1. The board of supervisors of any county in this state now controlling or maintaining, by virtue of any statute, any bridge across any navigable stream wholly or in part within the boundary lines of any mun-

cipal corporation, is hereby authorized and empowered, whenever it may become necessary, in the interest of commerce or by reason of any such bridge being out of repair, to reconstruct and rebuild any part of such bridge, or replace said bridge by a new structure, or with the consent of the governing bodies of such municipalities change the location of such bridge to such place on such stream as may be better suited to its use, or to the use of such navigable stream; and the board of supervisors of any county is hereby authorized to abandon any such existing bridge and rebuild a new bridge at such changed location, and the board of supervisors of any such county so rebuilding and reconstructing said bridge may enter into an agreement with any person or corporation, now maintaining any bridge across any such navigable stream, for the building of a joint bridge for the purpose of preventing the impeding of commerce on such navigable streams, and of apportioning the expense between said county and said person or any corporation, in such manner as may be agreed upon between said county and said person, or corporation.

Sec. 2. The expense of said reconstruction, or the building of a new bridge, to be payable out of the same fund as is now provided by law for the maintenance and repair of any such bridge; provided, that in case said county should make such agreement with said person or corporation for the building of any joint bridge, that only the county's portion of said joint bridge, as may be settled by said agreement, shall be paid from the said funds; and, provided, that in no event shall the county pay more than one half the cost of construction, repair or reconstruction of any such joint bridge.

Sec. 3. All acts or parts of acts in conflict herewith are hereby repealed.

Sec. 4. This act shall take effect from and after its passage.

ACT 420.

An act to provide for bridges across navigable streams, and across estuaries, ponds, swamps, or arms of bays that may be outside of the line of navigable waters.

[Approved March 14, 1881; Stats. 1881, 76.]

Power of supervisors to erect bridges.

Section 1. The power to erect bridges on public highways across navigable streams in this state, or to grant franchises to individuals, or corporations for the same, is hereby granted to the boards of supervisors of the several counties of the state, under the restrictions of this act.

Regulation of tolls, by whom exercised.

Sec. 2. The power to grant franchises to individuals or corporations to construct bridges, and the regulation of tolls thereon, shall be exercised by the county on the left bank of all streams.

Supervisors may join between counties.

Sec. 3. Where a navigable stream is the boundary line between the counties, the boards of supervisors of such counties may join in the construction of a bridge, upon such terms as may be agreed upon; provided, however, that in case of a failure to agree, either county may build the bridge and maintain control thereof.

Notify state engineer.

Sec. 4. Whenever the supervisors of any county or counties desire to erect a bridge on any public highway, or to grant the privilege so to do to any individual or corporation, across a navigable stream, under the provisions of this act, said board or boards shall notify the state engineer of such purpose, and of the precise point where such bridge is proposed to be located. The state engineer shall, within ten days of the receipt of such notice, designate the width of the draw to be made in such bridge, and also the length of the spans necessary to permit the free flow of water.

Hearing before state engineer.

Sec. 5. The communication from the state engineer, fixing the draw and spans, shall be spread upon the minutes of the board, and any bridge constructed at that point shall be in conformity therewith; provided, however, that the state engineer may, upon hearing before him, had upon the application of any person or body interested, made within ten days after the receipt by said board of supervisors of said communication of said

engineer, change his first plans, in which case the modified plans must be so spread upon the minutes, and shall stand in the place of the original; provided, however, that before such hearing is had, the said engineer must give ten days' notice by publication in some newspaper published in the county or counties from which the application came, of the time and place of the hearing.

Surveyor-general, when may act.

Sec. 6. In case of the absence or inability of the state engineer to act, the duties devolving upon him under this act shall be performed by the state surveyor-general.

Rates of toll, by whom fixed.

Sec. 7. When a bridge shall be built on a navigable stream by one county, or two counties, it may be absolutely free, or tolls sufficient to pay in whole, or in part, for the construction, and to keep up the repairs and expenses thereof, may be charged; the rate to be fixed by the board of supervisors of the county in which the same is located, or, if located in two counties, then by the boards of supervisors of the two counties; or if there be any disagreement between said boards, as to imposing or removing tolls, or the rate, the matter in dispute shall be referred to the board of supervisors of some neighboring county for determination, and its decision, communicated in writing to the clerks of the said boards respectively, shall be final; and if tolls are fixed or removed thereby, the same shall take effect on the tenth day from the date of such written determination.

Supervisors to declare necessity for building bridges.

Sec. 8. The board of supervisors, or other governing body of any city and county, or county, in this state, shall have power to declare that it is necessary for the public convenience to have a bridge or bridges built across any estuary, swamp, pond, or arm of a bay that may lie or extend into the county, or city and county, and prescribe the points between which said bridge or bridges shall be built, and when they shall have specified the points between which it is, in their judgment, necessary to build the said bridge or bridges, they may let contracts to build the bridges, as aforesaid, and pay for the same out of the general fund of the city and county, or county.

Sec. 9. This act shall take effect immediately.

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TITLE 60.

BROOKLYN.

ACT 435.

Incorporating Brooklyn. [Stats. 1869-70, p. 680.]

Amended 1871-2, 409.

Brooklyn is now a part of Oakland.

TITLE 61.

BUILDING AND LOAN ASSOCIATIONS.

ACT 430.

Creating a board of commissioners of building and loan associations and prescribing their powers and duties. [Stats. 1893, p. 229.]

Amended 1895, 103.

This act appears in full in Civil Code, Appendix, p. 681.

TITLE 62.

BUOYS AND BEACONS.

ACT 435.

For the protection of buoys and beacons. [Stats. 1873-4, 619.]

This act appears in full in the Appendix to the Penal Code, p. 573.

TITLE 63.

BURIAL.

ACT 440.

To protect the public health from infection caused by the exhumation and removal of human remains. [Stats. 1877-8, p. 1050.]

Amended 1889, 139.

Cal.Rep.Cit. 58, 227; 136, 268.

See, post, act 545.

TITLE 64.

BUTTE COUNTY.

ACT 445.

Protection of agriculture in. [Stats. 1873-4, p. 310.]

Amended 1875-6, 314. Superseded by 1897, 198.

Cal.Rep.Cit. 64, 114; 117, 195.

This act provided against the trespassing of animals.

ACT 446.

Concerning salary of county assessor of. [Stats. 1871-2, p. 270.]

Repealed by County Government Act, 1897, 523, sec. 171.

ACT 447.

Relating to salary of treasurer and auditor of. [Stats. 1871-2, p. 709.]

Repealed by County Government Act, 1897, 523, sec. 171.

ACT 448.

Defining a lawful and partition fence in. [Stats. 1871-2, p. 700.]

ACT 449.

To prevent hunting of game within certain private grounds in. [Stats. 1871-2, p. 477.]

ACT 450.

Providing for the payment of fees for witnesses and jurors. [Stats. 1871-2, p. 233.]

Amended 1878-4, 508. Repealed by fee bill, 1895, 273, fixing jurors' and witnesses' fees.

ACT 451.

To regulate fees of justices in. [Stats. 1877-8, p. 683.]
Repealed by the fee bill of 1895, 267.

ACT 452.

To provide for the appointment of two additional notaries public for Butte County. [Stats. 1871-2, p. 36.]
Superseded by Political Code, sec. 791.

ACT 453.

Salaries and compensation of officers. [Stats. 1878-4, p. 733.]

Amended 1875-6, 753, 906; 1877-8, 248. Superseded by the County Government Act, (Lynch v. Butte County, 102 Cal. 448).

ACT 454.

Authorizing transcribing records in. [Stats. 1859, p. 119.]

ACT 455.

Authorizing and empowering the recorder of Butte County to make copies of certain records. [Stats. 1858, p. 108.]

ACT 456.

Concerning roads in. [Stats. 1871-2, p. 322.]

Amended 1871-2, 693. Repealed 1883, p. 5, chap. X, sec. 2.

ACT 457.

Roads in. [Stats. 1873-4, p. 503.]

Superseded by 1883, 5, chap. X, sec. 2, and the County Government Act, 1897, 452.

Cal.Rep.Clt. 81, 125.

ACT 458.

Roads and highways in. [Stats. 1875-6, p. 752.]

Amended 1877-8, 18.

"Repealed by 1883, 5, chap. X, sec. 2; also by Political Code, sec. 2652, as amended 1891, 478, and County Government Act, 1897, 452."—Code Commissioners' note.

ACT 459.

Roads and highways in. [Stats. 1877-8, p. 402.]

Repealed 1883, 5, chap. X, sec. 2.

ACT 460.

Sheriff to collect licenses, and fixing salary therefor.
[Stats. 1877-8, p. 287.]

Repealed by County Government Act, 1897, 473, sec. 55.

ACT 461.

Sheriff, act concerning, and fixing his compensation.
[Stats. 1877-8, p. 567.]

ACT 462.

Superintendent of schools, fixing salary of. [Stats. 1873-4, p. 170.]

Repealed by County Government Act, 1897, 452.

ACT 463.

Treasurer of, to transfer certain funds. [Stats. 1875-6, p. 355.]

Superseded by subd. 18, sec. 25, 1897, 463.

This act authorized the transfer of swamp land funds to the general fund.

ACT 464.

Los Angeles, Sutter, and Butte counties, treasuries of, better protection of. [Stats. 1875-6, p. 365.]

Supplemented and amended 1875-6, 637, exempting Sutter County. Superseded by County Government Act, 1897, 483, sec. 115.

This act provided for the examination and counting of the funds.

TITLE 65.**BUTTER.****ACT 469.**

To prevent the sale of short-weight rolls of butter. [Stats. 1893, p. 151.]

This act is in the Penal Code, Appendix, p. 574.

ACT 470.

To prevent deception in the sale of process or renovated butter. [Stats. 1899, p. 25.]

ACT 471.

To prevent deception in the manufacture and sale of butter and cheese, to secure its enforcement and to appropriate money therefor. [Stats. 1897, 65.]

This act is in full in the Penal Code, Appendix, p. 574.

TITLE 66.

CALAVERAS COUNTY.

ACT 476.

Agriculture, protection of. [Stats. 1873-4, p. 579.]

Supplemented, 1875-6, 901. Repealed 1897, 198.

ACT 477.

Providing for redemption of bonds of. [Stats. 1871-2, p. 716.]

ACT 478.

Constables of, regulating fees of. [Stats. 1877-8, p. 592.]

Repealed by fee bill of 1895, 267.

ACT 479.

Supervisors and district attorney, offices of. [Stats. 1875-6, p. 141.]

Repealed by County Government Act, 1897, 452.

ACT 480.

Regulating fees and salaries in. [Stats. 1873-4, p. 13.]

Supplementing act of March 4, 1870. Repealed by County Government Act, 1897, 547, sec. 188.

ACT 481.

Supplementing act to regulate fees and salaries and define duties of certain officers. [Stats. 1873-8, p. 177.]

Superseded by the County Government Act, 1897, 452.

ACT 482.

Regulating certain township offices in. [Stats. 1875-6, p. 78.]

Superseded by Code of Civil Procedure, sec. 103, and County Government Act, 1897, 474, sec. 56.

This act provides for justices and constables.

ACT 483.

Mining claims, recording in. [Stats. 1875-6, p. 853.]

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ACT 484.

Enforcing collection of poll tax in. [Stats. 1873-4, p. 494.]

Amended 1877-8, 35. Superseded by Political Code, secs. 3839, 3840, and subd. 5, sec. 25, County Government Act, 1897, 458.

ACT 485.

Providing for location, construction, and maintenance of public roads. [Stats. 1871-2, p. 160.]

Repealed 1873-4, 358.

ACT 486.

Repealing special road laws and applying the provisions of the Political Code relating to roads and highways. [Stats. 1873-4, 359.]

ACT 487.

Road poll taxes in, collection of. [Stats. 1875-6, p. 354.]

Repealed by Political Code, sec. 2652, as amended 1891, 478.

ACT 488.

Superintendent of public schools, salary of. [Stats. 1877-8, p. 204.]

"Never went into effect. (Peachy v. Calaveras County; 59 Cal. 548.) Repealed by County Government Act, 1897, 547, sec. 188."—Code Commissioners' note.

ACT 489.

Treasurers of, bonds of. [Stats. 1875-6, p. 17.]

Repealed by County Government Act, 1897, 475, sec. 66.

TITLE 67.

CALIFORNIA AND OREGON RAILROAD COMPANY.

ACT 494.

Giving effect to the act of congress relating to the California and Oregon Railroad Company. [Stats. 1867-8, p. 655.]

TITLE 68.

CALIFORNIA PACIFIC RAILROAD COMPANY.

ACT 499.

Granting certain rights and privileges to California Pacific Railroad Company. [Stats. 1867-8, p. 671.]

TITLE 69.

CALIFORNIA POLYTECHNIC SCHOOL.

ACT 504.

An act to establish the California polytechnic school in the county of San Luis Obispo, and making an appropriation therefor.

[Approved March 8, 1901; Stats. 1901, 115.]

The people of the state of California, represented in senate and assembly, do enact as follows:

Section 1. There is hereby established in the county of San Luis Obispo, at or near the city of San Luis Obispo, a school to be known as the California polytechnic school. The purpose of this school is to furnish to young people of both sexes mental and manual training in the arts and sciences, including agriculture, mechanics, engineering, business methods, domestic economy, and such other branches as will fit the students for the non-professional walks of life. This act shall be liberally construed, to the end that the school established hereby may at all times contribute to the industrial welfare of the state of California.

Sec. 2. Within thirty days after this act goes into effect the governor shall appoint five persons, who, with the governor, and superintendent of public instruction, shall constitute the board of trustees of said school.

Sec. 3. The said trustees, as provided for in section two of this act, are hereby appointed and created trustees of said California polytechnic school, with full power and authority to select a site for the permanent location of said school. Said trustees shall, within ninety days after the passage of this act, examine the different sites offered by the people of San Luis Obispo County for the location of said school; and the site selected by them shall be and remain the permanent site for said school. But no money shall be expended for or on said site, until a deed in fee simple has been made for land so selected to the state of California.

Sec. 4. The term of office of the trustees shall be four years, except that, in appointing the first board of trustees, the governor shall appoint two members for one year, one for two years, one for three years, and one for four years. They shall be governed and regulated by the

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laws governing and regulating the normal schools of this state, in so far as the same are applicable to an institution of this kind.

Sec. 5. The sum of fifty thousand dollars is hereby appropriated out of any moneys belonging to the state not otherwise appropriated, for the purchase of a site, the construction and furnishing of the necessary buildings, and the maintenance of said school.

Sec. 6. The controller of the state is hereby authorized to draw warrants from time to time, as the work shall progress, in favor of said board of trustees, upon their requisition for the same, and the state treasurer is directed to pay the same.

Sec. 7. The moneys hereby appropriated shall be expended under the direction of the said board of trustees.

Sec. 8. This act shall take effect and be in force from and after January first, nineteen hundred and two.

TITLE 70.

CALIFORNIA REDWOOD PARK.

ACT 509.

Providing for the creation and management of the California Redwood Park, making an appropriation therefor, and creating a board of five commissioners, with power to make purchases, and to manage said California Redwood Park. [Approved March 16, 1901; Stats. 1901, 517.]

ACT 510.

To provide for the preservation, improvement and maintenance of the "California Redwood Park" in Santa Cruz County, and making an appropriation therefor. [Approved March 25, 1903; Stats. 1903, 424.]

TITLE 71.

CALIFORNIA STATUTES, INDEX TO.

ACT 515.

Authorizing the superintendent of state printing to have prepared and printed an index to all the laws of California, 1850-1893. [Approved March 11, 1893; Stats. 1893, p. 150.]

This act provided for the compiling, printing, and distribution of a complete index to the California statutes.

TITLE 72.

CALIFORNIA VOLUNTEERS.

ACT 529.

To provide for the revision of the records of the California volunteers, to authorize the adjutant-general to employ additional clerks for that purpose, and to authorize the superintendent of state printing to print, bind and issue the same. [Stats. 1889, p. 228.]

TITLE 73.

CANAL CORPORATIONS.

ACT 525.

Authorizing incorporation of canal companies, and the construction of canals. [Stats. 1862, p. 540.]

Amended 1865-6, 58, 604, 786; 1867-8, 124.

See note to act 632, post.

ACT 526.

Authorizing incorporation of canal companies, and providing for the construction of ditches and canals. [Stats. 1869-70, p. 660.]

"Supplemented 1871-2, 782, but repealed, except as to pre-existing corporations, by sec. 288, Civ. Code."—Code Commissioners' note. See note to act 632, post.

TITLE 74.

CANALS.

ACT 531.

To develop agricultural interests and aid the construction of a canal in Colusa, Solano, and Yolo counties. [Stats. 1865-6, p. 451.]

TITLE 75.

CAPITOL.

ACT 528.

To prohibit the sale of intoxicating liquors in the state capitol. [Stats. 1880, p. 80.]

ACT 527.

Fixing the salary of the janitor of the state capitol building, defining his duties and making an appropriation therefor. [Stats. 1893, p. 46.]

ACT 538.

Authorizing the construction and maintenance of drinking fountains in the state capitol grounds. [Stats. 1901, p. 298.]

TITLE 76.**CEMETERIES.****ACT 543.**

To protect the bodies of deceased persons and public graveyards. [Stats. 1854, 20.]

Superseded by Penal Code, secs. 290-297.

ACT 544.

Providing for the removal of human remains from cemeteries in cities having a population of more than five thousand and not exceeding one hundred thousand.

[Approved March 23, 1893; Stats. 1893, 234. Amended 1895, 157.]

1. The city council of any city in this state having a population of more than fifteen hundred and not exceeding one hundred thousand, may, by ordinance duly passed, and under such lawful rules and regulations which it may adopt, provide for the exhuming, taking up, and removal from cemeteries within the boundary lines of such city, or from cemeteries owned and controlled by such city that may have been located without its boundaries (and in which such cemeteries no interments of human remains have been made for a period of not less than two years), of all the human remains interred in such cemeteries. [Amendment approved March 26, 1895; Stats. 1895, 157.]

ACT 545.

An act to protect public health from infection caused by exhumation and removal of the remains of deceased persons.

[Approved April 1, 1878; Stats. 1877-8, 1050. Amended 1889, 139.]

Disinterring of bodies unlawful without permit.

Section 1. It shall be unlawful to disinter or exhume from a grave, vault, or other burial place, the body or re-

remains of any deceased person, unless the person or persons so doing shall first obtain, from the board of health, health officer, mayor, or other head of the municipal government of the city, town, or city and county where the same are deposited, a permit for said purpose. Nor shall such body or remains disinterred, exhumed, or taken from any grave, vault, or other place of burial or deposit, be removed or transported in or through the streets or highways of any city, town, or city and county, unless the person or persons removing or transporting such body or remains shall first obtain, from the board of health or health officer (if such board or officer there be), and from the mayor or other head of the municipal government of the city or town, or city and county, a permit, in writing, so to remove or transport such body or remains in and through such streets and highways.

Permits granted upon what.

Sec. 2. Permits to disinter or exhume the bodies or remains of deceased persons, as in the last section, may be granted, provided the person applying therefor shall produce a certificate from the coroner, the physician who attended such deceased person, or other physician in good standing cognizant of the facts, which certificate shall state the cause of death or disease of which the person died, and also the age and sex of such deceased; provided further, that the body or remains of deceased shall be inclosed in a metallic case or coffin, sealed in such manner as to prevent, as far as practicable, any noxious or offensive odor or effluvia escaping therefrom, and that such case or coffin contains the body or remains of but one person, except where infant children of the same parent or parents, or parent and children, are contained in such case or coffin. And the permit shall contain the above conditions and the words: "Permit to remove and transport the body of ———, age ———, sex ———," and the name, age, and sex shall be written therein. The officer of the municipal government of the city or town, or city and county, granting such permit, shall require to be paid for each permit the sum of ten dollars, to be kept as a separate fund by the treasurer, and which shall be used in defraying expenses of and in respect to such permits, and for the inspection of the metallic cases,

ACT 538.

Authorizing the construction and maintenance of drinking fountains in the state capitol grounds. [Stats. 1901, p. 298.]

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Permits granted upon what.

Sec. 2. Permits to disinter or exhume the bodies or remains of deceased persons, as in the last section, may be granted, provided the person applying therefor shall produce a certificate from the coroner, the physician who attended such deceased person, or other physician in good standing cognizant of the facts, which certificate shall state the cause of death or disease of which the person died, and also the age and sex of such deceased; provided further, that the body or remains of deceased shall be inclosed in a metallic case or coffin, sealed in such manner as to prevent, as far as practicable, any noxious or offensive odor or effluvia escaping therefrom, and that such case or coffin contains the body or remains of but one person, except where infant children of the same parent or parents, or parent and children, are contained in such case or coffin. And the permit shall contain the above conditions and the words: "Permit to remove and transport the body of ———, age ———, sex ———," and the name, age, and sex shall be written therein. The officer of the municipal government of the city or town, or city and county, granting such permit, shall require to be paid for each permit the sum of ten dollars, to be kept as a separate fund by the treasurer, and which shall be used in defraying expenses of and in respect to such permits, and for the inspection of the metallic cases,

coffins, and inclosing boxes herein required; and an account of such moneys shall be embraced in the accounts and statements of the treasurer having the custody thereof.

Misdemeanor.

Sec. 3. Any person or persons who shall disinter, exhume, or remove, or cause to be disinterred, exhumed, or removed, from a grave, vault, or other receptacle or burial-place, the body or remains of a deceased person, without a permit therefor, shall be guilty of a misdemeanor and be punished by a fine not less than fifty nor more than five hundred dollars, or by imprisonment in the county jail for not less than thirty days nor more than six months, or by both such fine and imprisonment. Nor shall it be lawful to receive such body, bones, or remains on any vehicle, car, barge, boat, ship, steamship, steamboat, or vessel for transportation in or from this state, unless the permit to transport the same is first received, and is retained in evidence by the owner, driver, agent, superintendent, or master of the vehicle, car, or vessel.

Transportation of bodies exhumed without permit—Misdemeanor.

Sec. 4. Any person or persons who shall move or transport, or cause to be moved or transported, on or through the streets or highways of any city or town, or city and county, of this state, the body or remains of a deceased person, which shall have been disinterred or exhumed without a permit, as described in section two of this act, shall be guilty of a misdemeanor, and be punishable as provided in section three of this act.

Reward for information.

Sec. 5. Any person who shall give information to secure the conviction of any person or persons for the violation of the provisions of this act shall be entitled to receive the sum of twenty-five dollars, to be paid from the fund collected from fines imposed and accruing under this act.

Removal of remains of deceased persons.

Sec. 6. Nothing in this act contained shall be taken to apply to the removal of the remains of deceased persons from one place of interment to another cemetery or place of interment within this state; provided, that no permit

shall be issued for the disinterment or removal of any body, unless such body has been buried for one year or more, without the written consent of the mayor, chairman of the board of supervisors, or city council of any municipality of the state. [Amendment approved March 13, 1889; Stats. 1889, 139. In effect immediately.]

Sec. 7. This act shall take effect and be in force from the thirtieth day after its passage and approval.

TITLE 77.

CEMETERY CORPORATIONS.

ACT 549.

Authorizing incorporation of rural cemetery associations.
[Stats. 1859, p. 281.]

Amended 1868-4, 12; 1891, 264; 1899, 36.

Cal.Rep.Cit. 115, 373.

See note to act 632, post.

ACT 550.

To provide the manner of execution of deeds by cemetery corporations. [Stats. 1895, p. 75.]

This act appears in full in Civil Code, Appendix, p. 710.

TITLE 78.

CENSUS.

ACT 555.

An act to authorize any city, or city and county of this state to take its census.

[Stat. approved February 25, 1897; Stats. 1897, 28.]

Cal.Rep.Cit. 123, 85.

Section 1. The council, or other legislative body of any city in this state, and the board of supervisors, or other legislative body of any city and county of this state, is hereby authorized, whenever said council, board of supervisors, or other legislative body, may deem it necessary, between the years of taking the federal census, to take the census of such city, or city and county, in the manner prescribed by section two of this act.

Sec. 2. Said council, board of supervisors, or other legislative body of any city, or city and county of this state electing to take a census, as in this act provided for, shall pass a resolution of intention declaring its inten-

tion to cause such census to be taken by one or more suitable persons appointed therefor by such council, board of supervisors, or other legislative body, at the expense of said city or cities desiring such census taken, and such census shall, by such persons so appointed, be taken of all the inhabitants of such city, or city and county, and in said census the full name of each person shall be plainly written and the names alphabetically arranged and regularly numbered in one complete series, and when completed shall be verified before any officer authorized to administer oaths, and be filed with the clerk of such city, or city and county.

Sec. 3. A certified copy of such census shall be prepared by said clerk after being so filed, and shall be filed by him with the secretary of state for this state, and thereupon the same shall be known and be the official state census of said city, or city and county.

Sec. 4. This act shall take effect and be in force from and after its passage.

TITLE 79.

CENTRAL PACIFIC RAILROAD COMPANY.

ACT 560.

Authorizing relocation of route of. [Stats. 1863, p. 320.]

ACT 561.

To aid construction of, and to secure the use of the same to this state for military and other purposes. [Stats. 1863-4, p. 344.]

Cal.Rep.Cit. 66, 39; 70, 176.

ACT 562.

To aid in carrying out the provisions of the Pacific railroad and telegraph act of congress. [Stats. 1863-4, p. 471.]

Cal.Rep.Cit. 71, 86.

ACT 563.

For relief of. [Stats. 1871-2, p. 432.]

This act validated the certificate of incorporation of the San Joaquin Valley Railroad, which consolidated with other railroads under the name of the Central Pacific Railroad.

TITLE 80.

CHAMBERS OF COMMERCE.

ACT 548.

To provide for the formation of chambers of commerce, boards of trade, mechanics' institutes, and other kindred protective associations. [Stats. 1865-6, 469.]

Amended 1867-8, 5; 1885, 76.

See note to act 482, post. This act appears in full in Civil Code, Appendix, p. 689.

TITLE 81.

CHARITIES AND CORRECTIONS.

ACT 573.

An act to create a state board of charities and corrections, prescribing its duties and powers, and appropriating money therefor.

[Approved March 25, 1903; Stats. 1903, 482.]

The people of the state of California, represented in senate and assembly, do enact as follows:

Section 1. A state board of charities and corrections is hereby created of six members, to be appointed by the governor, with the advice and consent of the senate, not more than three of whom shall be of the same political party. Such members shall hold office for the period of twelve years and until their successors are appointed and qualified; provided, that the members of the first board appointed under this act shall, at their first meeting, so classify themselves by lot that two of them shall go out of office at the end of four years, two at the end of eight years, and two at the end of twelve years, and an entry of such classification shall be made in the minutes of said board, and a duplicate thereof shall be filed in the office of the secretary of state. Women may be appointed members of said board, or hold any position in the appointment of said board. No person shall be appointed a member, or continue to act as such, while he is a trustee, manager, director, or other administrative officer of an institution subject to the terms of this act. Appointments to fill vacancies before the expiration of such terms, shall be made for the residue of terms in the same manner as original appointments. The governor shall be ex-officio a member of said board.

Sec. 2. The members shall act without compensation, but shall be allowed their actual necessary expenses. The said board may appoint a secretary, who shall receive such salary as may be determined by said board, not to exceed twenty-four hundred (\$2400) dollars per annum. All the expenses of said board, including the salary of the secretary, shall not exceed the sum of six thousand (\$6,000) dollars in any one fiscal year, and said sum of six thousand (\$6,000) dollars is hereby appropriated annually therefor out of any moneys in the treasury not otherwise appropriated. The secretary of said board shall execute a bond in the sum of five thousand (\$5,000) dollars, and take the oath of office prescribed by the Political Code for the executive officers of this state. The board shall provide itself with an office in the city and county of San Francisco. Meetings of the board may be held at such times and in such places in the state of California as said board may deem fit. It may make such rules and orders for the regulation of its own proceedings as it may deem necessary, and may fix the number of members necessary to constitute a quorum. The failure of a member to attend three consecutive meetings of said board during any calendar year, unless excused by formal vote of the board, may be construed by the governor as a resignation of said non-attending member.

Sec. 3. The board is hereby empowered and authorized, and it shall be its duty as a whole, or by committee, or by its secretary, to investigate, examine, and make reports upon the charitable, correctional, and penal institutions of the state, including the state hospitals for the insane, of the counties, cities and counties, cities and towns of the state, and such public officers as are in any way responsible for the administration of public funds used for the relief or maintenance of the poor in public institutions or of any of the inmates of said institutions. All the persons or officers in charge of or connected with such public institutions or with the administration of said funds are hereby required to furnish to the board or its committee or secretary such information and statistics as they may request or require, and allow said board, committee or secretary free access to all departments of such institutions and to all of their records. In order to secure accuracy, uniformity and completeness in such

statistics and information, the board may prescribe such forms of report and records by the state commission in lunacy regarding the state hospitals for the insane and by such other officers, boards or institutions as it may deem necessary and also such forms of registration at all public institutions referred to in this section as it may require. The state commission in lunacy on behalf of the institutions under its charge and the officers of all other institutions, and all officers, in any way responsible for public funds used for the relief of the poor or the maintenance of any inmates of said public institutions, are hereby required to follow such forms, records and registration so prescribed; provided, that the intent of this law is that so far as possible, the board shall make use of the forms of report, record and registration now obtaining in the state commission of lunacy and other state boards and institutions. All plans of new buildings, or parts of buildings for any of the public institutions coming under the provisions of this act, or any additions or alterations in such buildings, shall, before their adoption by the proper officials, be submitted to the board for suggestions and criticism.

Sec. 4. The board shall have the power to issue compulsory process to compel the attendance of any witness before said board or any member thereof, and to require the production of such books or papers relating to any public institution mentioned in section 3 of this act as they may deem necessary; provided, that no witness shall be required to attend before said board out of the county in which he resides. Any member of said board shall have power, and he is hereby authorized to administer an oath to any and all witnesses coming before said board, or any member thereof, for examination, and to examine such witness or witnesses in reference to any matter relating to public institutions mentioned in section 3 of this act appertaining to the inquiry before the board, or said member. Disobedience of a subpoena issued by said board, or refusal to be sworn, or to answer, shall subject such person disobeying or refusing to a forfeiture of one hundred dollars, to be recovered in a civil action brought in a court of competent jurisdiction by said board in its name as plaintiff, the money recovered to be appropriated to the use of said board.

Sec. 5. No provision in this act contained shall in any way be construed as preventing the governor of this state from making a plenary investigation in reference to the conduct of any public institutions under the terms of any act of the legislature of this state. Furthermore, the governor may at any time order an investigation by the board, or by a committee of its members, of the management of the above-named institutions, or any thereof.

Sec. 6. Three months prior to each regular session of the legislature, the board shall make a full and complete report to the governor of all its transactions during the preceding two years, showing fully and in detail all expenses incurred and moneys paid out by it, and giving a list of all officers and agents employed, and the actual condition of all institutions under its supervision, with such suggestions as it may deem necessary and pertinent, and with recommendations for legislative and executive action.

Sec. 7. The provisions of this act shall not apply to the Veterans' Home of California, located at Yountville, Napa County, nor to the Woman's Relief Corps Home at Evergreen, Santa Clara County.

Sec. 8. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

Sec. 9. This act shall be in force and take effect from and after its passage.

TITLE 82.

CHEESE.

ACT 578.

An act defining the different grades of cheese and for branding the same, manufactured in the state of California.

[Stat. approved March 4, 1897; Stats. 1897, 69.]

Section 1. Every person or persons, firm or corporation, who shall at any creamery, cheese factory, or private dairy, manufacture cheese in the state of California, shall, at the place of manufacture, brand distinctly, and durably on the bandage of each and every cheese manufactured, and upon the package or box when shipped, the grade of cheese manufactured, as follows: "California full-cream

cheese," "California half-skim cheese," and "California skim cheese."

Sec. 2. All brands for branding the different grades of cheese shall be procured from the state dairy bureau, and said bureau is hereby directed and authorized to issue to all persons, firms, or corporations, upon application therefor, uniform brands, consecutively numbered, of the different grades specified in section one of this act. The state dairy bureau shall keep a record of each and every brand issued, and the name and location of the manufacturer receiving the same. No manufacturer of cheese in the state of California, other than the one to whom such brand is issued, shall use the same, and in case of a change of location, the party shall notify the bureau of such change.

Sec. 3. The different grades of cheese are hereby defined as follows: Such cheese only as shall have been manufactured from pure milk, and from which no portion of the butter fat has been removed by skimming or other process, and having not less than thirty per cent of butter fat, shall be branded as "California full-cream cheese"; and such cheese only as shall be made from pure milk, and having not less than fifteen per cent of butter fat, shall be branded "California half-skim cheese"; and such cheese only as shall be made from pure skim-milk shall be branded "California skim cheese"; provided, that nothing in this section shall be construed to apply to "Edam," "Brickstein," "Pineapple," "Limburger," "Swiss," or hand-made cheese, not made by the ordinary Cheddar process.

Sec. 4. No person or persons, firms or corporations, shall sell, or offer for sale, any cheese, manufactured in the state of California, not branded by an official brand and of the grade defined in section three of this act.

Sec. 5. Whoever shall violate any of the provisions of this act shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, be punished for the first offense by a fine of not less than twenty-five dollars (\$25) nor more than fifty dollars (\$50), or by imprisonment in the county jail for not exceeding twenty-five days; and for each subsequent offense by a fine of not less than fifty dollars (\$50) nor more than one hundred dollars (\$100), or by imprisonment in the county jail not less than fifty days nor more than one hundred days, or by both

such fine and imprisonment, at the discretion of the court.

Sec. 6. All acts or parts of acts inconsistent with this act are hereby repealed.

Sec. 7. This act shall take effect sixty days after its passage.

TITLE 83.

CHICO.

ACT 583.

Statute incorporating. [Stats. 1871-2, p. 11.]

Amended 1871-2, 248. Amended and supplemented 1873-4, 213. Further amendments and supplemental matters, 1875-6, 22; 1877-8, 456; 1887, 63. Superseded by incorporating, in 1895, under Municipal Government Act of 1883.

TITLE 84.

CHINESE.

ACT 588.

To prevent the further immigration of Chinese or Mongolians to this state. [Stats. 1858, 295.]

This act does not appear to have been passed on by the supreme court, although it is undoubtedly unconstitutional. Under any circumstances the penal portion of it is superseded by the Penal Code, sec. 6.

ACT 589.

To protect free white labor from competition with Chinese labor and to discourage the immigration of Chinese. [Stats. 1862, 462.]

This act imposed a police tax on Chinese. It was declared unconstitutional in *Lin Sing v. Washburn*, 20 Cal. 534.

ACT 590.

To prohibit the coming of Chinese into the state, whether the subjects of the Chinese empire or not, and to provide for registration and certificates of residence and determine the status of all Chinese persons now resident of this state, and fixing penalties and punishments for violation of this act, and providing for deportation of criminals. [Stats. 1891, p. 185.]

Unconstitutional. (*Ex parte Ah Cue*, 101 Cal. 197.)

ACT 591.

To prevent the importation of Chinese criminals and to prevent the establishment of coolie slavery. [Stats. 1869-70, 322.]

ACT 592.

To prevent the kidnaping and importation of Mongolian, Chinese and Japanese females for criminal or demoralizing purposes. [Stats. 1869-70, 330.]

Superseded by Penal Code, sec. 174.

Cal.Rep.Cit. 64, 236.

ACT 593.

For the suppression of Chinese houses of ill-fame. [Stats. 1865-6, 641. Amended 1873-4, 84.]

Continued in force by Political Code, sec. 19; Penal Code, sec. 23.

ACT 594.

To provide for the removal of Chinese outside the limits of cities and towns. [Stats. 1880, p. 22.]

Probably unconstitutional.

TITLE 85.**CITY ATTORNEY.****ACT 599.**

To provide for furnishing assistants to city and county attorneys in every city, or city and county having a population of one hundred thousand or over, and providing for their mode of appointment and compensation. [Stats. 1891, p. 95.]

Superseded as to San Francisco by chap. 2 of art. V of its charter.

TITLE 86.**CIVIL RIGHTS.****ACT 604.**

Making it unlawful to refuse admission to places of amusement. [Stats. 1893 p. 220.]

ACT 605.

An act to protect all citizens in their civil and legal rights.
[Stat. approved March 13, 1897; Stats. 1897, 137.]

Cal.Rep.Cit. 119, 602.

Section 1. That all citizens within the jurisdiction of this state shall be entitled to the full and equal accommodations, advantages, facilities, and privileges of inns, restaurants, hotels, eating-houses, barber-shops, bath-houses, theaters, skating-rinks, and all other places of

public accommodation or amusement, subject only to the conditions and limitations established by law and applicable alike to all citizens.

Sec. 2. Whoever shall violate any of the provisions of the foregoing section, by denying to any citizen, except for reasons applicable alike to every race or color, and regardless of race or color, the full accommodations, advantages, facilities, and privileges in said section enumerated, or by aiding or inciting such denial, or whoever shall make any discrimination, distinction, or restriction on account of color or race, or except for good cause, applicable alike to all citizens of every color or race whatever, in respect to the admission of any citizen to, or his treatment in, any inn, restaurant, hotel, eating-house, barber-shop, bath-house, theater, skating-rink, or other public place of amusement or accommodation, whether such place be licensed or not, or whoever aids or incites such discrimination, distinction, or restriction, shall, for each and every such offense, shall be liable in damages in an amount not less than fifty dollars, which may be recovered in an action at law brought for that purpose.

Sec. 3. All laws or parts of laws in conflict with this law are hereby repealed.

TITLE 87.

CLEAR LAKE.

ACT 697.

Clear Lake, in Lake County, declared navigable. [Stats. 1877-8, p. 620.]

See Political Code, sec. 2349, from which this lake is omitted, and this statute, apparently, thereby repealed.

TITLE 88.

CLOVERDALE.

ACT 612.

Incorporating. [Stats. 1871-2, p. 164.]

Amended 1871-2, 550; 1875-6, 171. Superseded by incorporating under Municipal Government Act of 1883.

TITLE 89.

COAST SURVEY.

ACT 617.

To authorize persons engaged in the U. S. coast survey to enter upon lands within the state; to protect the

operations of the same from injury and molestation, and to ascertain the mode of assessing damages and to punish offenders. [Stats. 1852, p. 147.]

TITLE 90.

CODES.

ACT 622.

To create and establish a commission for revising, systematizing, and reforming the laws of this state, and for the appointment of the members of said commission, to be known as "The commissioners for the revision and reform of the law," and to prescribe their powers and duties; and to authorize the appointment of a secretary and stenographer therefor; and to provide for the compensation and expenses of said commission, secretary, and stenographer, and to appropriate money therefor. [Approved March 28, 1895; Stats. 1895, 345. In effect immediately.]

Amended 1903, 479.

TITLE 91.

COLLEGE CITY.

ACT 637.

College City, Colusa County, prohibiting sale of intoxicating liquors within one mile of. [Stats. 1875-6, p. 691.]

TITLE 92.

COLLEGES.

ACT 633.

To provide for the incorporation of colleges. [Stats. 1850, p. 273.]

Amended 1855, 110; 1867-8, 69, 218; 1869-70, 419; 1873-4, 85. Supp. 1863, 775; 1871-2, 10.

Cal.Rep.Cit. 49, 461.

"This and other acts relating to corporations were repealed by secs. 288, 649 et seq., Civil Code, except that corporations pre-existing the code remain subject to the laws under which they were formed, but new corporations cannot be created under such laws, (Murphy v. Pacific Bank, 119 Cal. 884), and we apprehend that all amendments to them made after the enactments of the codes were invalid, or at least not applicable to any corporation formed after the adoption of that code, because they were to acts which had already been repealed."—Code Commissioners' note.

ACT 633.

Providing for the incorporation of institutions of learning, science, and art. [Stats. 1867-8, p. 204.]

Repealed, sec. 288, Civ. Code.

See note to act 632, ante.

ACT 634.

Expressing assent of the state of California to the act of congress, approved August thirtieth, eighteen hundred and ninety, entitled "An act to apply a portion of the proceeds of the public lands to the more complete endowment and support of the colleges for the benefit of agriculture and the mechanic arts, established under the provisions of an act of congress, approved July second, eighteen hundred and sixty-two," and to the purposes of the grants of moneys authorized thereby, and to all the provisions thereof. [Approved March 31, 1891. Stats. 1891, p. 458.]

The object of the act sufficiently appears from the title.

TITLE 93.**COLOMA.****ACT 639.**

Incorporating Coloma. [Stats. 1858, p. 207.]

TITLE 94.**COLTON HALL.****ACT 640.**

To provide for the appointment of a board of Colton Hall trustees, and for the leasing of the Colton Hall property, and providing for an appropriation for the preservation, protection, and improvement of said property. [Approved March 25, 1903. Stats. 1903, 435.]

TITLE 95.**COLUSA COUNTY.****ACT 645.**

Protecting agriculture and preventing trespassing of animals. [Stats. 1871-2, p. 685.]

Amended 1873-4, 760. Modified, if not repealed, by the estray law, 1897, 198; 1901, 808, chap. CXCVII.

ACT 646.

To develop agricultural interests and aid the construction of a canal in Colusa, Solano, and Yolo counties. [Stats. 1865-6, 451.]

ACT 647.

Approval of official bonds. [Stats. 1877-8, p. 77.]

Repealed 1877-8, 118.

ACT 648.

Fixing amount of official bonds in. [Stats. 1877-8, p. 569.]

Repealed by County Government Act, 1897, 475, sec. 68.

ACT 649.

To provide for the drainage of certain lands in the counties of Colusa and Yolo. [Stats. 1877-8, p. 1037.]

ACT 650.

Partition fences in. [Stats. 1875-6, p. 207.]

ACT 651.

Fees of office and salaries of certain officers, regulating and repealing prior acts. [Stats. 1873-4, p. 873.]

Repealed by the fee bill of 1895, 267, and by County Government Act, 1897, 452.

ACT 652.

Fees and salaries of officers of. [Stats. 1877-8, p. 36.]

Repealed as to salary by County Government Act, 1897, 555, sec. 196, and by fee bill of 1895, 267, as to the fees of the officers therein named.

ACT 653.

Additional tax for judges' and district attorneys' salary fund. [Stats. 1871-2, p. 98.]

Probably rendered inoperative by the constitution, which abolished the office of county judge.

ACT 654.

Justices of the peace in. [Stats. 1877-8, p. 782.]

Repealed by fee bill of 1895, 272.

ACT 655.

Public roads in. [Stats. 1871-2, p. 826.]

Repealed 1883, 5, chap. X, sec. 2.

ACT 656.

Yolo and Colusa counties, public road along boundary line between, establishing. [Stats. 1873-4, p. 213.]

98 COLUSA, TOWN OF—COMMISSIONERS IN EQUITY.

ACT 657.

Establishing, maintaining and protecting public and private roads in. [Stats. 1873-4, p. 621.]

Amended 1875-6, 401, 481; 1877-8, 327. Repealed 1883, 5, chap. X, sec. 2.

ACT 658.

Additional powers of supervisors. [Stats. 1877-8, p. 563.]

Repealed by County Government Act, 1897, 452.

ACT 659.

To confer certain powers on supervisors of. [Stats. 1877-8, p. 567.]

Repealed by County Government Act, 1897, 452.

ACT 660.

Quieting title to certain lands in. [Stats. 1873-4, p. 818.]

This act released to the United States government lands sold to actual settlers by the United States.

TITLE 96.

COLUSA, TOWN OF.

ACT 665.

Incorporating. [Stats. 1875-6, p. 669.]

Amended 1877-8, 248.

ACT 666.

Issuance of bonds for road purposes. [Stats. 1877-8, p. 369.]

Amended 1880, 9.

COMMERCE.

See title Chambers of Commerce.

TITLE 97.

COMMISSIONERS IN EQUITY.

ACT 671.

For the appointment of commissioners in equity. [Stats. 1861, p. 183.]

Repealed by Political Code and Code of Civil Procedure.

This act provided for the appointment of commissioners in equity to take testimony in equity cases.

TITLE 98.

COMMISSIONERS OF TRANSPORTATION.

ACT 676.

To create the office of commissioner of transportation, etc. [Stats. 1877-8, p. 969.]

The code commissioners of 1901 say this act was repealed by the constitution of 1879. See, however, *Dyer v. Placer County*, 90 Cal. 276, 278; *Giesecke v. San Joaquin County*, 109 Cal. 489.

TITLE 99.

COMMON LAW.

ACT 681.

Adopting the common law. [Stats. 1850, 219.]

Re-enacted in Political Code, sec. 4463.

Cal.Rep.Cit. 42, 167; 69, 237; 69, 379; 69, 380; 83, 518.

TITLE 100.

CONGRESS.

ACT 686.

To divide the state of California into congressional districts. [Approved March 11, 1891. Stats. 1891, p. 84.]

Cal.Rep.Cit. 125, 624.

This act was superseded by the following act.

ACT 687.

To divide the state into congressional districts, and provide for the election of members of the house of representatives of the United States therein. [Approved March 23, 1901. Stats. 1901, 548.]

TITLE 101.

CONSPIRACY.

ACT 692.

To limit the meaning of the word "conspiracy," and also the use of "restraining orders" and "injunctions," as applied to disputes between employers and employees in the state of California. [Approved March 20, 1903. Stats. 1903, 289.]

This act is set out in full in the Appendix to the Penal Code, p. 531.

ACT 693.

Making a conspiracy to commit any crime against the person of, or an attempt to kill or commit any assault upon, the president or vice-president of the

United States, the governor of any state or territory, any United States justice or judge, or the secretary of any executive department of the United States, a felony; and providing a penalty therefor. [Approved February 28, 1903. Stats. 1903, 58.]

This act is set out in full in the Appendix to the Penal Code, p. 582.

TITLE 102.

CONSTABLES.

ACT 698.

Constables, legalizing official acts of certain. [Stats. 1873-4, p. 700.]

This act validated the acts of constables elected between the first Monday of January and the first Monday of March, 1874.

TITLE 103.

CONSTITUTION.

ACT 703.

Recommending to electors to vote for or against a convention to revise and change the constitution. [Stats. 1873-4, 732.]

ACT 704.

To provide for a convention to frame a new constitution for the state of California. [Approved March 30, 1878; 1877-8, 759.]

ACT 705.

To provide for the submission of amendments to the constitution. [Stats. 1883, p. 53.]

Repealed 1899, 24.

Cal.Rep.Clt. 69, 488; 102, 125; 126, 410; 130, 91.

The section in the repealing act purporting to re-enact the first section of the act of 1883 is unconstitutional. (People ex rel. Attorney-General v. Curry, 130 Cal. 83.)

TITLE 104.

CONTRA COSTA COUNTY.

ACT 710.

Assessors of, compensation of for collection of personal property taxes. [Stats. 1875-6, p. 529.]

Superseded by the County Government Act, 1897, 536, sec. 183.

ACT 711.

Fences in. [Stats. 1858, p. 40.]

Supplemented 1861, 277.

ACT 712.

Fences in. [Stats. 1861, p. 277.]

Supplementing statute of 1858.

ACT 713.

Justices of the peace in, fees of. [Stats. 1877-8 p. 269.]

Repealed by fee bill of 1895, 272.

ACT 714.

Fees of office and compensation of officers. [Stats. 1875-6,
p. 84.]

Repealed by fee bill of 1895, 267, as to officers therein named.

ACT 715.

Salaries and compensation of officers of. [Stats. 1875-6,
p. 91.]

Repealed by County Government Act, 1897, 536, sec. 183.

ACT 716.

To provide for the appointment of three additional notaries
public for. [Stats. 1871-2, 46.]

Superseded by Political Code, sec. 791.

ACT 717.

Public administrator authorized to act as coroner. [Stats.
1871-2, p. 170.]

Probably repealed by County Government Act, 1897, 478,
sec. 55.

ACT 718.

Concerning bonds of public administrator. [Stats. 1871-2,
p. 183.]

Superseded by County Government Act, 1897, 475, sec. 66.

ACT 719.

Roads and highways in. [Stats. 1871-2, p. 779.]

Repealed 1873-4, 170.

ACT 720.

To repeal all special road laws in the county of Contra
Costa. [Stats. 1873-4, 170.]

ACT 721.

Roads and highways in. [Stats. 1875-6, p. 237.]

Amended 1877-8, 611. Repealed 1888, 5, chap. X, sec. 2.

Cal.Rep.CM. 67, 78.

ACT 722.

Quieting title to certain salt-marsh and tide lands in.
[Stats. 1873-4, p. 616.]

ACT 723.

Fixing bonds of sheriff of. [Stats. 1871-2, p. 158.]
Superseded by County Government Act, 1897, 475, sec. 66.

ACT 724.

To provide for the extermination of squirrels in. [Stats.
1877-8, p. 815.]

Superseded by subd. 26, sec. 25, County Government Act,
1897, 465.

ACT 725.

School moneys, distribution of. [Stats. 1877-8, p. 182.]
Repealed by Political Code, sec. 1858, as amended 1898, 204.

TITLE 105.**CONTROLLER.****ACT 730.**

Authorizing the appointment of an additional clerk by
the controller. [Stats. 1895, p. 67.]

Repealed 1899, 148.

ACT 731.

Creating the office of expert to the controller and pre-
scribing his compensation. [Stats. 1899, p. 146.]

TITLE 106.**CONVICTS.****ACT 736.**

Concerning the payment of the costs and expenses of the
trial of convicts for crimes committed in state prison
and the payment of the costs of the trial of escaped
convicts. [Stats. 1873-4, 43.]

See act of 1880, 43, post, title Costs.

ACT 737.

To prevent the importation of convicts into this state.
[Stats. 1850, p. 202.]

Superseded by Penal Code, secs. 173, 175.

ACT 738.

Providing for furnishing sheriffs and chiefs of police of
certain information, description, and photographs of

convicts about to be discharged by the wardens of state prisons. [Stats. 1897, 213.]

In full in the Appendix to the Penal Code, p. 583.

TITLE 107.

CO-OPERATIVE ASSOCIATIONS.

ACT 743.

Defining and providing for the organization and government of co-operative business corporations. [Stats. 1877-8, p. 883.]

Superseded by 1895, 221.

ACT 744.

To provide for the incorporation, operation, and management of co-operative associations. [Stats. 1895, p. 221.]

Cal.Rep.Cit. 187, 608.

This act appears in full in Civil Code, Appendix, p. 694.

TITLE 108.

CORONERS.

ACT 349.

Concerning the attendance of physicians and surgeons in certain cases and to provide payment for making chemical and post-mortem examinations. [Stats. 1871-2, 81.]

Cal.Rep.Cit. 60, 165.

The code commissioners say that as to section one, superseded by County Government Act, 1897, 490, sec. 142.

This act appears in full in the Penal Code, Appendix, p. 585.

ACT 750.

Concerning the payment of expenses of coroners' inquests in state's prison. [Stats. 1880, p. 43.]

It is in full in the Penal Code, Appendix, p. 585.

ACT 751.

Providing for the appointment by the coroner in counties of the first class of a physician for the purpose of performing autopsies, and fixing their compensation. [Stats. 1895, p. 52.]

In full in the Penal Code, Appendix, 583.

ACT 752.

To provide for furnishing assistants to the coroner of each city, or city and county having one hundred thousand or more inhabitants, and providing the mode in which such assistants shall be appointed and designated, and establishing the compensation and prescribing the duties of such assistants. [Approved March 23, 1893. Stats. 1893, 190.]

As to San Francisco, superseded by the charter.

In full in the Penal Code, Appendix, p. 584.

ACT 753.

Providing an official stenographic reporter to the coroners of cities, and cities and counties, having a population of one hundred thousand or more inhabitants; providing the mode of appointment, establishing the compensation, and fixing the duties. [Stats. 1896, p. 168.]

Superseded as to San Francisco by its charter.

In full in Penal Code, Appendix, p. 584.

ACT 754.

Coroners and elisors, fees of. [Stats. 1873-4, p. 794.]

Superseded by County Government Act, 1897, 481, sec. 105.

TITLE 109.
CORPORATIONS.**ACT 759.**

Concerning corporations. [Stats. 1850, p. 347.]

Amended 1851, 424, 426. Repealed 1851, p. 433, chap. CXVIII, sec. 31. Amended 1852, 168; 1853, 87, 140, 169; 1854, 162, 166; 1858, 57, 264; 1859, 87; 1861, 84; 1862, 17, 110, 125; 1868, 34, 747, 766; 1865-6, 748; 1869-70, 46, 402; 1871-2, 443; 1876, 730. Supplemented 1862, 17. Extended 1857, 75.

Cal. Rep. Cit. 5, 187; 42, 420; 43, 428; 44, 91; 50, 342; 51, 384; 60, 310; 63, 531; 115, 589; 115, 590; 115, 591; 122, 336; 122, 337; 137, 446.

Continued in force as to corporations created under it. (See Eastman, Estate of, 60 Cal. 308.)

See note to act 632, ante.

ACT 760.

Supplemental to act of 1850, concerning corporations. [Stats. 1859, 93.]

See note to act 632, ante.

ACT 761.

Supplemental to act concerning corporations. [Stats. 1869-70, p. 364.]

Repealed by sec. 288, Civ. Code.

This act provided for the renewal and extension of corporate existence. See note to act 632, ante.

ACT 762.

Relating to certificates of incorporation. [Stats. 1869-70, p. 107.]

Repealed by sec. 288, Civ. Code.

This act enabled corporations to amend their articles. See note to act 632, ante.

ACT 763.

To provide for the formation of corporations for certain purposes. [Stats. 1853, p. 87.]

Amended 1855, 205; 1857, 121; 1858, 133; 1859, 93; 1863, 736; 1863-4, 149; 1869-70, 132, 364; 1871-2, 526.

Cal.Rep.Cit. 43, 508; 46, 551; 50, 38; 56, 347; 64, 385.

This act provided for the formation of corporations for manufacturing, mining, mechanical, or chemical purposes, or for the purpose of engaging in any species of trade or commerce.

See note to act 632, ante.

ACT 764.

Corporations for trading, manufacturing, mechanical, and other lawful purposes. [Stats. 1869-70, p. 822.]

See note to act 632, ante.

Repealed by sec. 288, Civ. Code.

ACT 765.

To provide for the formation of plank or turnpike corporations. [Stats. 1853, p. 169.]

Amended 1854, 160; 1857, 171, 230; 1858, 145, 265.

Cal.Rep.Cit. 43, 60; 43, 62; 51, 334; 73, 71.

ACT 766.

Concerning corporations, legalizing defects in incorporation. [Stats. 1863-4, p. 303.]

Cal.Rep.Cit. 56, 348; 97, 280.

This act validated defective certificates of incorporation.

ACT 767.

Concerning assessments of stock in corporations. [Stats. 1865-6, p. 453.]

Cal.Rep.Cit. 42, 434; 65, 197.

Supplemented 1869-70, 229. In force only as to corporations existing before the codes (sec. 228, Civ. Code).

Superseded by secs. 831 et seq., Civ. Code.

ACT 768.

Corporations to own the lots and houses in which their business is carried on. [Stats. 1875-6, p. 653.]

Superseded by Civil Code, sec. 868.

This act appears in full in Civil Code, Appendix, p. 710.

ACT 769.

Imposing a tax on the issue of certificates of stock in corporations. [Stats. 1877-8, p. 955.]

Repealed 1897, 248.

ACT 770.

Authorizing certain corporations to act as executors and in other capacities, and to provide for and regulate the administration of trusts by such corporations. [Stats. 1891, p. 490.]

Amended 1897, 424; 1903, 244.

This act authorized corporations to act as executors, administrators, guardians, assignees, receivers, depositaries, or trustees. It appears in full in Civil Code, Appendix, p. 702.

ACT 771.

To protect stockholders and persons dealing with corporations. [Stats. 1877-8, p. 695.]

This act appears in full in Civil Code, Appendix, p. 709; and in Penal Code, Appendix, p. 587. It punished frauds and misrepresentations by officers or agents.

ACT 772.

Requiring corporations to pay their employees at least once a month. [Stats. 1897, p. 231.]

Unconstitutional. (Johnson v. Goodread M. Co., 127 Cal. 4.)

This act appears in full in Civil Code, Appendix, p. 700.

ACT 773.

To provide for the payment of wages of mechanics and laborers employed by corporations. [Stats. 1891, p. 185.]

Unconstitutional. (Slocum v. Bear Valley Irrigation Co., 122 Cal. 555.)

This act requires the payment of wages weekly or monthly. It appears in full in Civil Code, Appendix, p. 699.

ACT 774.

Concerning foreign corporations. [Stats. 1869-70, p. 881.]

"In many respects superseded by 1871-2, 828, as amended by 1889, 111."—Code Commissioners' note.

This act provided that foreign corporations designate some person upon whom process may be served. Compare sec. 616, Pol. Code; and see Harregan v. Home L. I. Co., 128 Cal. 531.

ACT 775.

Foreign corporations. [Stats. 1871-2, p. 826.]

Amended 1899, 111.

Cal.Rep.Cit. 65, 801; 74, 122; 95, 599; 120, 162.

This act provided that foreign corporations designate some person upon whom process may be served. It appears in full in Civil Code, Appendix, p. 711.

ACT 776.

Requiring foreign corporations to file a certified copy of their articles of incorporation in the office of the secretary of state. [Stats. 1901, p. 108.]

This act appears in full in Civil Code, Appendix, p. 712.

TITLE 110.**COSTS.****ACT 781.**

Concerning costs in criminal actions removed before trial. [Stats. 1851, p. 185.]

Not repealed by Penal Code. See *Needham v. Thresher*, 49 Cal. 392.

ACT 782.

Concerning the costs in civil actions for serving summons and subpoenas. [Stats. 1891, 56.]

This act appears in full in Appendix to the Code of Civil Procedure, p. 762.

ACT 783.

Concerning the payment of costs and expenses of the trial of convicts for crimes committed in the state prison, and to pay the costs of the trial of escaped convicts, and to pay for the expenses of coroners' inquests in said prison. [Stats. 1880, 43.]

Cal.Rep.Cit. 130, 20.

In the Penal Code, Appendix, p. 588.

TITLE 111.**COTENANCY.****ACT 785.**

Concerning tenants in common, joint tenants and coparceners. [Stats. 1857, 62.]

Cal.Rep.Cit. 45, 509.

Superseded by Code of Civil Procedure, sec. 884.

This act permitted any or all tenants to bring or defend suits.

TITLE 112.

COUNTERFEITING.

ACT 798.

To prevent the counterfeiting of gold dust and other species of gold. [Stats. 1855, 178.]

Superseded by Penal Code, secs. 477-479.

Cal.Rep.Cit. 114, 247; 132, 276.

TITLE 113.

COUNTIES.

County Boundaries, see County Boundaries.

County Government, see County Government.

Particular County, see Particular Title.

ACT 799.

To provide for the transfer of certain moneys from one county to another when a new county has been formed and organized. [Stats. 1893, p. 235.]

Cal.Rep.Cit. 119, 517.

ACT 799.

Authorizing the allowance, settlement, and payment of claims of counties against the state. [Stats. 1893, p. 109.]

This act appears in full in Political Code, Appendix, p. 1110.

ACT 800.

Prescribing how judgments which may be recovered against any city and county of over one hundred thousand population shall be paid. [Stats. 1895, p. 163.]

Apparently restricted to pre-existing judgments.

ACT 801.

Authorizing counties to become stockholders in railroad companies. [Stats. 1859, p. 263.]

Amended 1860, 208. Repealed by Constitution, art. IV, sec. 31.

ACT 802.

To authorize the several counties, cities and counties, cities, and towns of this state, and the officers and boards of officers thereof, to receive property by gift, bequest, and devise, and to hold, manage, and dispose of such property, and the income and increase thereof. [Approved February 10, 1881. Stats. 1881, 2.]

TITLE 114.

COUNTY BOUNDARIES.

ACT 807.

To change and permanently locate the boundary line between the counties of Butte and Plumas. [Stats. 1901, p. 549.]

ACT 808.

To change and permanently locate the boundary line between the counties of Butte and Yuba. [Stats. 1897, p. 22.]

ACT 809.

To change and permanently locate the boundary line between the counties of Plumas and Lassen. [Approved February 28, 1891; Stats. 1901, 76.]

ACT 810.

To change and permanently locate the boundary lines between the counties of Glenn and Colusa. [Stats. 1893, p. 158.]

ACT 811.

Fresno and Tulare counties, establishing county line between. [Stats. 1873-4, p. 700.]

Cal.Rep.Cit. 101, 284; 108, 222; 125, 497; 134, 518.

ACT 812.

Supplementing act to define and establish boundary line between the counties of Inyo and Mono. [Stats. 1871-2, p. 316.]

ACT 813.

Humboldt, Mendocino, Trinity, and Klamath counties, to provide for defining boundaries between. [Stats. 1871-2, p. 766.]

ACT 814.

To permanently locate the boundary line between the counties of Shasta and Plumas. [Approved March 23, 1901. Stats. 1901, 560.]

ACT 815.

To better define the boundary line of Mariposa and Fresno counties. [Approved April 1, 1872. Stats. 1871-2, p. 891.]

Amended 1873-4, 100.

ACT 816.

Providing for the survey of the line forming a portion of the southern boundary of Siskiyou County and the northern boundary of Lassen County. [Stats. 1871-2, p. 886.]

ACT 817.

To define the northern boundary line of Napa County, adjoining Lake and Yolo counties. [Stats. 1871-2, p. 305.]

ACT 818.

To change and permanently locate the boundary lines between the counties of San Luis Obispo and Kern. [Stats. 1885, p. 129.]

ACT 819.

To establish the county line between the counties of Fresno and Tulare. [Stats. 1875-6, p. 397. Approved March 23, 1876.]

ACT 820.

To more clearly define the boundary line between the counties of Lake and Yolo, in the state of California. [Approved April 1, 1872. Stats. 1871-2, p. 903.]

ACT 821.

To change and permanently locate the boundary line between the counties of Shasta and Lassen. [Stats. 1899, p. 98.]

ACT 822.

To establish the boundary line between the county of Humboldt and the counties of Del Norte and Siskiyou. [Approved March 23, 1901. Stats. 1901, 600.]

TITLE 115.**COUNTY CLERK.****ACT 827.**

In relation to deputies and assistants of county clerks. [Stats. 1880, p. 5.]

Cal.Rep.Clt. 67, 184; 125, 191; 125, 194.

Superseded by County Government Act, 1897.

ACT 828.

In relation to deputies, assistants, and copyists of county clerks. [Stats. 1880, p. 20.]

Amended 1891, 5.

Cal.Rep.Cit. 125, 191.

This act provided for the appointment and compensation of deputies, clerks, and assistants in counties, and cities and counties of over 120,000 inhabitants.

Unconstitutional. (San Francisco v. Broderick, 125 Cal. 188.) Superseded as to San Francisco by the charter of that city.

ACT 829.

Authorizing and empowering county clerks to take and certify affidavits for United States pension claimants without demanding or receiving any fees or compensation therefor. [Stats. 1887, 81.]

This act appears in full in Political Code, Appendix, p. 1042.

TITLE 116.**COUNTY GOVERNMENT.****ACT 834.**

To establish a uniform system of county governments. [Stats. 1883, p. 299.]

Amended 1885, 125, 166, 195; 1887, 168, 178; 1889, 232. Repealed by County Government Act, 1891, 295, chap. CCXVI.

AMDTs. OF 1883.

Cal.Rep.Cit.	65, 123;	65, 124;	65, 288;	65, 289;	65, 313;
	66, 28;	66, 643;	66, 644;	67, 117;	67, 119;
	68, 143;	69, 610;	70, 60;	73, 370;	74, 24;
	75, 150;	75, 151;	75, 180;	76, 94;	76, 445;
	77, 593;	78, 271;	78, 495;	80, 842;	80, 862;
	82, 191;	86, 257;	88, 531;	89, 13;	89, 16;
	94, 319;	94, 604;	94, 608;	95, 330;	96, 51;
	99, 285;	99, 629;	106, 422;	106, 425;	111, 868;
	114, 561;	114, 562;	131, 550;	134, 675.	114, 122;

AMDT. 1885.

Cal.Rep.Cit. 68, 143; 68, 145; 77, 595; 94, 635; 126, 152.

AMDT. 1887.

Cal.Rep.Cit. 88, 582; 94, 603; 94, 630; 95, 475; 97, 602; 100, 63; 101, 184; 112, 73.

AMDT. 1889.

Cal.Rep.Cit. 80, 203; 84, 73; 85, 372; 88, 532; 95, 85; 95, 831; 98, 220; 103, 491; 104, 259; 112, 73.

Various portions unconstitutional. (Miller v. Kister, 68 Cal. 142; San Luis Obispo v. Graves, 84 Cal. 71; Dougherty v. Austin, 94 Cal. 601.)

ACT 835.

To establish a uniform system of county and township government. [Stats. 1891, p. 295.]

Amended 1893, 310. Repealed 1897, 452.

AMDT. 1891.

Cal.Rep.Cit. 89, 525; 95, 331; 95, 472; 97, 242; 97, 248;
98, 381; 99, 514; 100, 266; 100, 444; 101, 318; 101, 320;
102, 164; 103, 499; 103, 540; 104, 66; 104, 77; 104, 130;
104, 678; 106, 402; 109, 155; 109, 334; 109, 495; 109, 496;
110, 622; 112, 73; 115, 630; 116, 112; 116, 113; 116, 115;
117, 234; 118, 361; 120, 305; 120, 443; 121, 351; 122, 429;
122, 430; 122, 482; 125, 340; 125, 599; 126, 623; 131, 202;
131, 557; 132, 592; 134, 560.

AMDT. 1893.

Cal.Rep.Cit. 117, 537; 122, 296; 122, 297; 122, 298.

Various parts held unconstitutional. (People v. Johnson, 95 Cal. 471; Welch v. Bramlet, 98 Cal. 219; Bloss v. Lewis, 109 Cal. 493; Turner v. Siakiyou County, 109 Cal. 332; Walser v. Austin, 104 Cal. 128.)

ACT 836.

To establish a uniform system of county and township governments. [Stats. 1893, p. 346.]

Amended 1895, 1. Repealed 1897, 452.

AMDT. 1893.

Cal.Rep.Cit. 103, 394; 105, 210; 110, 554; 112, 563; 114, 114;
114, 122; 114, 332; 114, 420; 114, 499; 114, 549; 116, 621;
116, 622; 118, 304; 118, 307; 118, 361; 118, 362; 118, 365;
119, 120; 119, 511; 119, 688; 120, 555; 120, 649; 121, 485;
122, 137; 122, 139; 122, 302; 122, 303; 122, 645; 122, 646;
122, 647; 125, 193; 125, 499; 126, 36; 126, 132; 126, 623;
126, 624; 126, 625; 126, 675; 129, 527; 130, 478; 131, 388;
131, 411; 131, 412; 131, 550; 131, 551; 133, 282; 133, 284;
135, 535; 135, 536; 137, 161; 137, 518.

AMDT. 1895.

Cal.Rep.Cit. 111, 568.

Unconstitutional in part. (Hale v. McGettigan, 114 Cal. 112.)

ACT 837.

To establish a uniform system of county and township government. [Stats. 1897, p. 452.]

Amended 1901, 681, 685; 1903, 129, 151, 156, 160, 168, 173, 179, 200, 212, 218, 224, 227, 230, 232, 237, 239, 241, 402.

AMDT. 1897.

Cal.Rep.Cit. 117, 619; 121, 672; 122, 308; 124, 348; 125, 193;
126, 36; 126, 132; 126, 134; 127, 87; 127, 160; 128, 249;
128, 332; 129, 363; 130, 479; 130, 480; 130, 481; 133, 75;
134, 54; 134, 70; 134, 674; 135, 514; 135, 535; 135, 536;
135, 649; 136, 65; 136, 66; 136, 653; 137, 205; 137, 209;
138, 60.

AMDT. 1901.

Cal.Rep.Cit. 134, 144; 134, 149.

Unconstitutional. (Sec. 13, Ex parte Anderson, 134 Cal. 69; Subd. 21 of sec. 25, Van Harlingen v. Doyle, 184 Cal. 53; provisions as to fees of official reporters, Pratt v. Browne, 135 Cal. 649; subd. 14 of sec. 183, Lougher v. Soto, 129 Cal. 610; sec. 170, McCabe v. Jeffords, 122 Cal. 302; sec. 25, subd. 25, repealed by implication by sec. 3366, Pol. Code, as amended in 1901, Stats. 1901, p. 685, Ex parte Farmer, 134 Cal. 148.)

- § 1. Counties are bodies politic.
- § 2. Powers exercised by agents.
- § 3. Names of.
- §§ 4-5. Powers.
- § 6. Contracts and acts in violation of act.
- § 7. Officers violating provisions of act.
- § 8. Money paid without authority, recovery of.
- § 9. Instructions to grand jury.
- § 10. Population of counties.
- § 11. County seats.
- § 12. Removal of county seats.
- § 13. Ordinance, submission of.
- §§ 14-19. Supervisors.
- § 20. Clerk of board.
- § 21. Records of board.
- §§ 22-24. Meetings of board.
- §§ 25-53. General powers.
- § 54. Eligibility to office.
- § 55. County officers.
- § 56. Township officers.
- § 57. Notice, publication of.
- § 58. Election of officers.
- § 59. Deputies.
- § 60. Officer includes deputy.
- § 61. Residence and office hours.
- § 62. Liability of sureties.
- § 63. Oaths, who may administer.
- § 64. Absence of officer from state.
- § 65. What officers not to practice law.
- § 66. What officers not to act as notaries.
- § 66. Bonds of officers.
- §§ 67-87. Treasurers.
- § 88. Process and notice, definitions of.
- §§ 89-106. Sheriffs.
- §§ 107, 108. County clerks.
- §§ 109-118. Auditors.
- §§ 119-131. Recorders.
- §§ 132-134. District attorney.
- §§ 135-141. Surveyor.
- §§ 142-147. Coroners.
- § 148. Assessor.
- § 149. Tax collector.
- § 150. School superintendent.
- §§ 151, 152. Public administrator.
- §§ 153, 154. Constables.
- § 155. Justices of the peace.
- §§ 156, 220. Salaries.

- § 157. Classification.
- §§ 158-215. Compensation of officers.
- §§ 216-225, 227. Fees.
- § 226. Services performed by successor.
- § 228. County charges.
- §§ 229, 230. Costs on removal of officers.
- § 231. New counties, organization of--reduction of population.
- § 232. Repeal of inconsistent acts.
- § 233. Salaries of incumbents.
- § 234. In effect, when.

Section 1. The several counties of this state, as they now exist, and such other counties as may be hereafter organized, according to law, are bodies corporate and politic, and as such have the powers specified in this act, and such other powers as are necessarily implied.

Sec. 2. Their powers can only be exercised by the board of supervisors, or by agents and officers acting under their authority, or authority of law.

Sec. 3. The name of a county designated in the law creating is in its corporate name, and it must be designated thereby in all actions and proceedings touching its corporate rights, property, and duties.

Sec. 4. It has power:

1. To sue and be sued.
2. To purchase and hold land within its limits.
3. To make such contracts and purchase and hold such personal property as may be necessary to the exercise of its powers.
4. To manage and dispose of its property as the interests of its inhabitants may require.
5. To levy and collect such taxes, for purposes under its exclusive jurisdiction, as are authorized by law.

Sec. 5. No county shall, in any manner, give or loan its credit to or in aid of any person or corporation. An indebtedness or liability incurred contrary to this provision shall be void.

Sec. 6. All contracts, authorizations, allowances, payments, and liabilities to pay, made or attempted to be made in violation of this act, shall be absolutely void, and shall never be the foundation or basis of a claim against the treasury of such county. And all officers of said county, are charged with notice of the condition of the treasury of said county, and the extent of the claims against the same.

Sec. 7. Any officer authorizing, or aiding to authorize, or auditing, or allowing, or paying any claim or demand upon or against said treasury, or any fund thereof, in violation of any of the provisions of this act, or of the constitution of this state, shall be liable in person, and upon his official bond, to the person or persons damaged by such illegal authorization, to the extent of his or their loss by reason of the non-payment of his or their claims.

Sec. 8. Whenever any board of supervisors shall, without authority of law, order any money paid as a salary, fees, or for any other purposes, and such money shall have been actually paid; or whenever any county officer has drawn any warrant or warrants in his own favor, or in favor of any other person, without being authorized by the board of supervisors, or by the law, and the same shall have been paid, the district attorney of such county is hereby empowered, and it is hereby made his imperative duty, to institute suit, in the name of the county, against such person or persons, to recover the money so paid, and twenty per cent damages for the use thereof; and no order of the board of supervisors therefor shall be necessary to maintain such suit. When the money has not been paid on such order or warrants, it is hereby made the imperative duty of the district attorney of such county, upon receiving notice thereof, to commence suit, in the name of the county, to restrain the payment of the same; and no order of the board of supervisors shall be necessary in order to maintain such suit.

Sec. 9. It shall be the duty of the judge of the superior court of each and every county, whenever a grand jury is impaneled, to call their attention to the provisions of the foregoing sections, and to instruct them to ascertain, by careful and diligent investigation, whether the provisions of said sections have been complied with, and to note the result of such investigation in their report.

Sec. 10. The population of the several counties of this state is hereby ascertained and determined to be and is as follows:

COUNTY.	POPULATION.
1. San Francisco	842,782
2. Los Angeles	170,298
3. Alameda	130,197
4. Santa Clara	60,216

COUNTY GOVERNMENT.

COUNTY.	POPULATION.
5. Sacramento	45,915
6. Sonoma	38,489
7. Fresno	37,862
8. San Joaquin	35,452
9. San Diego	35,090
10. San Bernardino	27,929
11. Humboldt	27,104
12. Solano	24,143
13. Santa Cruz	21,512
14. Mendocino	20,465
15. Orange	19,696
16. Monterey	19,380
17. Santa Barbara	18,934
18. Tulare	18,375
19. Contra Costa	18,046
20. Riverside	17,897
21. Nevada	17,789
22. Shasta	17,318
23. Butte	17,117
24. Siskiyou	16,962
25. San Luis Obispo	16,637
26. Kern	16,480
27. Napa	16,451
28. Placer	15,786
29. Marin	15,702
30. Ventura	14,367
31. Yolo	13,618
32. San Mateo	12,094
33. Calaveras	11,200
34. Tuolumne	11,166
35. Amador	11,116
36. Tehama	10,996
37. Kings	9,871
38. Stanislaus	9,550
39. Merced	9,215
40. El Dorado	8,986
41. Yuba	8,620
42. Colusa	7,364
43. San Benito	6,633
44. Madera	6,364
45. Lake	6,007
46. Sutter	5,886

COUNTY.	POPULATION.
47. Glenn	5,150
48. Modoc	5,076
49. Mariposa	4,720
50. Plumas	4,657
51. Lassen	4,511
52. Trinity	4,383
53. Inyo	4,377
54. Sierra	4,017
55. Del Norte	2,408
56. Mono	2,167
57. Alpine	509

[Amendment approved March 23, 1901. Stats. 1901, 685. In effect 12 M. on the first Monday after the first day of January, 1903.]

Sec. 11. The county seats of the respective counties of this state, as now fixed by law, are hereby recognized as and declared to be the county seats of the respective counties. No county seat shall be removed unless two thirds of the qualified electors of the county, voting on the proposition at a general election, shall vote in favor of such removal.

Sec. 12. Whenever there shall be presented to the board of supervisors of any county a petition, signed by the qualified electors of such county, in number equal to a majority of the votes cast at the preceding general election, praying for the submission of the question of the removal of the county seat of such county, it shall be the duty of the board of supervisors, by due proclamation, to submit the question of such removal of the county seat at the next general election to the qualified electors of such county. The election shall be conducted and the returns canvassed in all respects as provided by law for the conduct of general elections and canvassing the returns thereof.

Sec. 13. Whenever there shall be presented to the board of supervisors, a petition, or petitions, signed by legal voters of said county equal in number to fifty per cent of the votes cast at the last preceding general election, asking that an ordinance, to be set forth in such petition, be submitted to a vote of the qualified voters of such county, it shall be the duty of the board of supervisors, by proclamation, to submit such proposed ordi-

nance to the vote of the qualified electors of such county. Such election shall be held within thirty days after the first regular meeting of the board after the filing of such petition; provided, that should said petition be filed within six months prior to a general election, no special election need be held, but such ordinance shall be submitted at the next general election. The ballots used at such special or general election shall contain the words "For the ordinance" (stating the nature of the ordinance), and "Against the ordinance," stating the nature of the ordinance. The election shall be conducted and the returns canvassed in all respects as provided by law, for the conducting of general elections and the canvassing the returns thereof; provided, that when a special election is held under the provisions of this section, the board of supervisors, in their discretion, may consolidate precincts, and may reduce the number of election officers to a number not less than four. If a majority of the votes cast upon such ordinance shall be in favor of the adoption thereof, the board of supervisors shall proclaim such fact, and upon the publication of such proclamation, such ordinance thus adopted shall have the same and equal force and effect as though adopted and ordained by the board of supervisors. The board of supervisors may also, at any election, submit any question or proposition upon which they may desire the opinion of the voters of the county.

BOARD OF SUPERVISORS.

Sec. 14. Each county must have a board of supervisors, consisting of five members.

Sec. 15. Each member of the board of supervisors must be an elector of the district which he represents, must reside therein during his incumbency, must have been such elector for at least one year immediately preceding his election, and shall be elected by such district, and not at large; provided, that in any county or city and county in which supervisorial districts have not been established by law or ordinance, and in which supervisors are now required to be elected at large, but from particular wards, the members of the board of supervisors shall be elected at large and without regard to residence.

Sec. 16. The board of supervisors may, by a two-thirds vote of the members of said board, change the boundaries

of any or all of the supervisor districts of a county. Said districts shall be as nearly equal in population as may be. The boundaries of no supervisor district shall at any time be changed in such manner as to affect the term of office of any supervisor who has been elected, and whose term of office has not expired. No change in the boundaries of any supervisor district shall be made within ninety days next preceding a general election.

Sec. 17. Whenever a vacancy occurs in the board of supervisors of a county, the governor shall fill the vacancy, and the appointee shall hold office until the election and qualification of his successor. In such case the election of a supervisor shall be held at the next general election to fill the vacancy for the unexpired term, unless such term expires on the first Monday after the first day of January succeeding said election.

Sec. 18. The supervisors shall elect a chairman, who shall preside at all meetings of the board, and in case of his absence or inability to act, the members present must, by an order entered on their records, select one of their number to act as chairman temporarily. Any member of the board may administer oaths, when necessary in the performance of his official duties. A majority of the members of the board shall constitute a quorum for the transaction of business, and no act of the board shall be valid or binding unless a majority of all the members concur therein.

Sec. 19. The county clerk is ex-officio clerk of the board of supervisors. The records and minutes of the board must be signed by the chairman and the clerk.

CLERK OF THE BOARD.

Sec. 20. The clerk of the board must:

1. Record all the proceedings of the board.
2. Make full entries of all their resolutions and decisions on all questions concerning the raising of money for and the allowance of accounts against the county.
3. Record the vote of each member on any question upon which there is a division, or at the request of any member present.
4. Immediately after the adjournment of each meeting of the board, certify all demands allowed and orders made for the payment of money, giving the amount and date

of each demand, or order, and the date of the allowance thereof, which demands, or orders, shall be countersigned by the chairman of the board, and thereafter said clerk shall deliver to and leave the same with the auditor.

5. File and preserve the reports of the county treasurer of the receipts and disbursements of the county.

6. Preserve and file a memorandum of all accounts acted upon by the board.

7. Preserve and file all petitions and applications for franchises, and record the action of the board thereon.

8. Authenticate with his signature and seal of the board the proceedings of the board, whenever the same shall be ordered published.

9. Authenticate with his signature and the seal of the board, all ordinances passed by the board, and to record the same at length in the "Ordinance Book."

10. Record all orders levying taxes; and,

11. Perform all other duties required by law, or any rule or order of the board.

Sec. 21. The board must cause to be kept:

1. A "Minute Book," in which shall be entered the daily proceedings had at all regular and special meetings, and all orders and decisions made by them, except such as are required to be recorded in the "Road," "Franchise," or "Ordinance" books.

2. An "Allowance Book," in which must be recorded all orders for the allowance of money, from the county treasury, to whom made, and on what account, dating, numbering, and indexing the same through each year.

3. A "Road Book," containing all proceedings and adjudications relating to the establishment, maintenance, change, and discontinuance of roads and road districts.

4. A "Franchise Book," containing all franchises granted by them, and all proceedings had in relation thereto.

5. A "Warrant Book," to be kept by the county auditor, in which must be entered, in the order of drawing, all warrants drawn on the treasury, with their number, and reference to the order on the minute book, with the date, amount, on what account, and name of payee.

6. An "Ordinance Book," in which must be entered all ordinances duly passed by the board.

Sec. 22. The board of supervisors must, by ordinance, provide for the holding of regular meetings of the board at the county seat.

Sec. 23. A special meeting may be ordered by a majority of the board. The order must be signed by the members calling such meeting, and must be entered in the minutes. Five days' notice of such meeting must be given by the clerk, personally or by mail, to the members not joining in the order. The order must specify the business to be transacted at such special meeting, and none other shall be transacted.

Sec. 24. All meetings of the board must be public, and the books, records, and accounts of the board must be kept at the office of the clerk, open at all times for public inspection.

GENERAL PERMANENT POWERS OF BOARDS.

Sec. 25. The boards of supervisors, in their respective counties, shall have jurisdiction and power, under such limitations and restrictions as are prescribed by law:

1. To supervise the official conduct of all county officers, and officers of all districts and other subdivisions of the county charged with the assessing, collecting, safe-keeping, management, or disbursement of the public revenues; to see that they faithfully perform their duties, direct prosecutions for delinquencies, and, when necessary, require them to renew their official bonds, make reports and present their books and accounts for inspection.

2. To divide the counties into townships, election, school, road, supervisor, sanitary, and other districts required by law, change the same, and create others, as convenience requires.

3. To establish, abolish, and change election precincts, and to appoint inspectors and judges of election, canvass all election returns, declare the result, and order the county clerk to issue certificates thereof; but no election precinct shall be established or abolished, or the boundaries of any precinct changed, within ninety days prior to any election.

4. To lay out, maintain, control, construct, repair, and manage public roads, turnpikes, ferries, wharves, chutes, and other shipping facilities and bridges within the county, unless otherwise provided by law, and to grant franchises

and licenses to collect tolls thereon; provided, where the cost of the construction of any bridge, wharf, chute, or other shipping facilities that may be built under the provisions of this subdivision exceeds the sum of five hundred dollars, they must cause to be prepared and must adopt plans and specifications, strain sheets, and working details, and must advertise for bids for the construction of such bridge, wharves, chutes, or other shipping facilities, unless otherwise provided by law, in accordance with the plans and specifications so adopted. All bidders shall be afforded opportunity to examine such plans and specifications, and said board shall award the contract to the lowest responsible bidder, and the plans and specifications so adopted shall be attached to and become a part of the contract; and the person or corporation to whom the contract is awarded shall be required to execute a bond, to be approved by said board, for the faithful performance of such contract; provided, that after the submission of the bids as herein provided, the board of supervisors being advised by the county surveyor that the work can be done for a sum less than the lowest responsible bid, it shall then be their privilege to reject all bids and to order the work done or structure built by day's work, under the supervision and control of the said surveyor; provided further, that the surveyor in such cases shall be held personally responsible, under his official bond, to construct said bridge or structure, according to his plans and specifications, at a cost not to exceed the amount of the lowest responsible bid received; provided, that the road commissioners or road overseers in their respective districts shall employ all labor required and direct the conduct of work of any kind upon any and all public roads; provided further, that in cases of great emergency, by the unanimous consent of the whole board, they may proceed at once to replace or repair any and all bridges and structures without notice.

5. To construct or lease, officer and maintain, hospitals and poorhouses, or otherwise, in their discretion, provide for the care and maintenance of the indigent sick or dependent poor of the county; and for such purposes to levy the necessary property or poll taxes, or both. The board of supervisors shall appoint some suitable person to take care of and maintain such hospitals and poorhouses, and

shall also appoint some suitable graduate or graduates in medicine to attend to such indigent sick or dependent poor, and to the patients in such hospitals and poorhouses. The board shall not let the care, maintenance, or attendance of such indigent sick or dependent poor by contract to the lowest bidder.

6. To provide a farm, in connection with the county hospital, or poorhouse, and make regulations for working the same.

7. To purchase, receive by donation, or lease any real or personal property or water rights necessary for use of the county, and to purchase or otherwise acquire necessary real-estate upon which to sink wells to obtain water for sprinkling roads, and other county purposes, and to erect thereon tanks and reservoirs for the storage of water for such purposes, and to erect pumping apparatus for obtaining the same, to preserve, take care of, and manage and control the same; but no purchase of real property shall be made unless a notice of the intention of the board to make such purchase, describing the property to be purchased, the price to be paid therefor, from whom it is proposed to be purchased, and fixing the time when the board will meet to consummate such purchase, has been published for at least three weeks in some newspaper of general circulation, published in the county; or if none be published in the county, then has been posted at least three weeks prior to the time when the board meets to consummate such purchase, in at least three public places in each supervisor district.

8. To cause to be erected or rebuilt, or furnished, a courthouse, jail, hospital, and such other public buildings as may be necessary, or to provide suitable buildings for such purposes. None of the aforesaid buildings shall be erected or constructed until the plans and specifications have been made therefor and adopted by the board. All such buildings must be erected by contract, let to the lowest responsible bidder, after notice by publication in a newspaper of general circulation published in such county, for at least thirty days. In case there is no newspaper published in such county, then such notice shall be given by posting in three public places.

9. To sell at public auction, at the courthouse door, or at such other place within the county, as the board may,

by a four-fifths vote, order, after thirty days' notice, given either by publication in a newspaper published in the county, or by posting in five public places in the county, and convey to the highest bidder for cash, any property belonging to the county not required for public use, paying the proceeds into the county treasury for the use of the county; provided, if in the unanimous judgment of the board, the property does not exceed in value the sum of seventy-five dollars, or if it be the product of the county farm, the same may be sold at private sale without advertising by any member of the board empowered for that purpose by a majority of the board.

10. To examine and audit, at least every twelve months, the accounts of all officers having the care, management, correction, or disbursement of moneys belonging to the county, or moneys received or disbursed by them under authority of law.

11. To examine, settle, and allow all accounts legally chargeable against the county, except salaries of officers, and such demands as are authorized by law to be allowed by some other person or tribunal, and order warrants to be drawn on the county treasurer therefor.

12. To levy taxes upon the taxable property of their respective counties for all county purposes, and also upon the taxable property of any district, for the construction and repair of roads and highways and other district purposes; provided, that no tax shall be levied upon any district until the proposition to levy the same has been submitted to the qualified electors of such district, and received a majority of all the legal votes cast upon such proposition.

12½. Whenever there shall be presented to the board of supervisors of any county a petition signed by the qualified electors of any township or townships in number equal to a majority of the votes cast at the preceding general election, praying that said township or townships may be allowed to take the census of said township or townships for the purpose of ascertaining the population therein contained, the board of supervisors shall order such census to be taken by one or more suitable persons appointed therefor by the board of supervisors, and such census shall be taken by such persons so appointed of all the inhabitants of such township or townships; the full name of each

person shall be plainly written, the names alphabetically arranged and regularly numbered in one complete series, and when completed shall be verified before any officer authorized to administer oaths, and be filed with the county clerk of the county wherein such census is taken, and thereupon the same shall be known and shall be the official census of said township or townships. The expenses of taking such census shall be a county charge.

13. Any county having an outstanding indebtedness, evidenced by bonds or warrants thereof, may refund such indebtedness and issue bonds of the county therefor, and any county may incur or refund a bonded indebtedness for any purposes for which the board of supervisors are herein authorized to expend the funds of said county. Such indebtedness shall be refunded or incurred in the following manner, to wit: The board of supervisors thereof shall by order specify the purpose for which the indebtedness is to be incurred, the amount of bonds which they propose to issue, the rate of interest, and the number of years, not exceeding forty, the whole or any part of said bonds are to run, and shall further provide for submitting the question of the issue of said bonds to the qualified electors of the county at a special election to be called by the board for that purpose, and the words to appear upon the ballot shall be "Bonds—Yes," and "Bonds—No," or words of similar import. None but qualified voters of the county shall be permitted to vote thereat, and it shall be held as nearly as practicable in conformity with the general election law of the state. Notice shall be given of such election by publication in one or more newspapers published in the county, once a week for at least four weeks, or daily for not less than thirty days, prior to said election. If there be no such newspaper, then by posting the same conspicuously in five public places in said county at least thirty days before said election. Such notice must contain the time and place or places of holding such election, the name of election officers to conduct the same, the amount and denomination of the bonds, the rate of interest to be paid, and the number of years, not exceeding forty, the whole or any part of such bonds are to run. If any election officers so named in such notice are not present at the opening of the polls, the electors present may appoint election officers to take the place of

such election officers so absent. If two thirds of the electors of the county voting at such election shall vote in favor of issuing such bonds, the board must proceed to issue the amount of bonds specified; provided, that the total amount of bonded indebtedness shall at no time exceed five per cent of the taxable property of the county, as shown by the last equalized assessment book thereof. This limitation shall not apply to bonds which may be issued to refund an indebtedness existing January first, eighteen hundred and eighty. The board of supervisors, by an order entered upon its minutes, shall prescribe the form of said bonds, and of the interest coupons attached thereto, and fix the time when the whole or any part of the principal of said bonds shall be payable, which shall not be more than forty years from the date thereof; and said board may also, at their option, by a provision in such bonds, make such principal payable on or before a specified date at the pleasure of the county. Said bonds may be issued in denominations not to exceed one thousand dollars and not less than one hundred dollars; principal and interest payable in gold coin of the United States, either at the treasury of said county, or at such place as such board may designate, or both at such treasury or such designated place, at the option of the bondholder. Interest on said bonds shall not exceed six per cent per annum, payable annually or semi-annually, as said board may designate. Said bonds shall be signed by the chairman of the board of supervisors, and attested by the auditor of said county, and have the seal of the board of supervisors attached, and said coupons shall be signed by said auditor by original or lithographed fac-simile signature; and said bonds shall be sold in the manner prescribed by said board of supervisors, but for not less than par. The board of supervisors, before or at the time of incurring the indebtedness of any bonds issued under the provisions of this act, and annually thereafter until all of said bonds are paid and canceled, must levy a tax for that year upon the taxable property of said county for the interest and redemption of said bonds, and such tax must not be less than sufficient to pay the interest on said bonds for that year, and such portion of the principal, if any, as is to become due during such year, and in any event must be sufficient to raise annually for the first half of the term

said bonds have to run, a sufficient sum to pay the interest thereon; and during the balance of the term, sufficient to pay such annual interest, and to provide annually a proportion of the principal of said bonds equal to a sum produced by taking the whole amount of said bonds outstanding and dividing it by the number of years said bonds then have to run. And the board of supervisors, before or at the time of issuing said bonds by ordinance shall provide for the levy of an annual tax sufficient to effect the objects of this provision, and to provide for the payment of the interest on said bonds as it becomes due, and also sufficient to constitute a sinking fund to pay the principal of such indebtedness at or before maturity. Such tax when collected, shall be paid into the treasury of the county, and used solely to pay the interest and principal of said bonds as they respectively become due.

The revenue derived from the sale of said bonds shall be applied to the purpose specified in the order of the board, and no other. Should there be any surplus, it shall be applied toward the payment of said bonds. The board of supervisors of any county can contract a bonded indebtedness for county purposes only as herein provided.

In issuing bonds under this act, the board of supervisors may, at its option, use the following form of bond and coupon:

United States of America,
No. —, County of —, \$—
State of California.

The county of —, state of California, hereby acknowledges itself indebted and promises to pay the bearer hereof, on the first day of —, one thousand — (herein insert, if the board of supervisors elect to make the bond payable on a certain date, or before that date, at the pleasure of the county, the words "or at any time before that date, at the pleasure of the county"), with interest thereon, in like gold coin, at the rate of — per centum per annum payable at — semi-annually (or annually) on the first day of — and — (or on the first day of —, if interest payable annually) on presentation and surrender of the interest coupon hereto attached.

This bond is issued by the board of supervisors of the county of —, state of California, in strict compliance

with an act of the legislature entitled "An act to establish a uniform system of county and township governments," approved the — day of —, 189—, and in pursuance of an order of said board duly made on the — day of —, 18—, and with the assent of two-thirds of the qualified electors of said county, voting at an election legally called and duly held for that purpose on the — day of —, 18—.

And it is hereby certified and recited that the bonded indebtedness of said county, including this bond, does not exceed five per cent of the taxable property thereof, as shown by the last equalized assessment of said county, and that provision has been made for the collection of an annual tax sufficient to pay the interest on this indebtedness as it falls due, and also sufficient to constitute a sinking fund for the payment of said indebtedness at or before maturity.

In witness whereof the said county, by its board of supervisors, has caused this bond to be signed by the chairman of said board, and attested by the auditor thereof, and the seal of the board of supervisors hereto attached this — day of —, one thousand —.

Chairman board of supervisors.

Attest: _____,
County Auditor.

And the interest coupon may be in the following form:

"The county of —, state of California, hereby promises to pay the holder hereof, on the — day of —, one thousand —, at —, in — \$— United States gold coin, for interest on its county bond No. —.

"County Auditor."

If the board of supervisors of any county which has issued bonds under the provisions of this act shall fail to make the levy necessary to pay such bonds or interest coupons at maturity, and the same shall have been presented to the county treasurer and the payment thereof refused, the owner may file the bond, together with all unpaid coupons with the state controller, taking his receipt therefor, and the same shall be registered in the

state controller's office; and the state board of equalization shall, at their next session, and at each annual equalization thereafter, add to the state tax to be levied in said county, a sufficient rate to realize the amount of principal or interest past due and to become due prior to the next levy, and the same shall be levied and collected as a part of the state tax and paid into the state treasury and passed to the special credit of such county as bond tax, and shall be paid by warrants, as the payments mature, to the holder of such registered obligations, as shown by the register in the office of the state controller, until the same shall be fully satisfied and discharged, any balance then remaining being passed to the general account and credit of said county.

14. To maintain, regulate, and govern public pounds, fix the limits within which animals shall not run at large, and appoint poundkeepers, who shall be paid out of the fines imposed and collected from the owners of impounded animals, and from no other source.

15. To equalize assessments.

16. To direct and control the prosecution and defense of all suits to which the county is a party, and, by a two-thirds vote of all the members, may employ counsel to assist the district attorney in conducting the same.

17. To insure the county buildings and other property in the name of and for the benefit of the county.

18. To establish a salary fund, and such other county funds as they may deem necessary for the proper transaction of the business of the county, and to transfer moneys from one fund to another, as the public interest may require.

19. To fill, by appointment, all vacancies that may occur in any office filled by the appointment of the board of supervisors and elective county or township officers, except in those of judge of the superior court and supervisor, the appointee to hold office for the unexpired term or until the next general election.

20. They may appoint in each county, a health officer, whose duty it shall be to enforce all orders and ordinances of the board of supervisors, pertaining to sanitary matters, and all orders, quarantine regulations, and rules prescribed by the state board of health, and all statutes relating to vital statistics. He shall give to the duties of his office

such time and attention as may be necessary to secure general supervision of all matters pertaining to the health and sanitary condition of the county. He shall be a graduate of a medical college of good standing and repute, and shall hold office for a term of one year, and receive for his services a compensation not to exceed six hundred dollars per annum.

The board of supervisors shall adopt orders and ordinances necessary for the preservation of the public health of the county, not in conflict with general laws, and provide for the payment of all expense incurred in enforcing the same.

For any unincorporated town, when public necessity requires such action, the board of supervisors may appoint a special health officer, who shall, in such town, under the supervision of the county health officer, exercise all necessary diligence in executing the ordinances, rules and regulations of the board of supervisors, or the state board of health, relating to health and sanitary matters. His term of office and compensation shall be fixed by the board of supervisors; and he shall receive as his compensation for services not to exceed one hundred dollars in any one year.

21. The board of supervisors of the several counties shall annually advertise, for at least ten days in a newspaper of general circulation in the county (if there be a newspaper published in the county, otherwise by posting notices in three public places), for sealed bids for furnishing the county with stationery, clothing, bedding, groceries, provisions, drugs, medicines, and all other supplies. All bids shall be on a schedule, showing all articles needed in the several offices and departments prepared by the clerk of the board, shall state separately the price of each article to be furnished, and any person may bid upon any article separately.

In considering such bids, the board may accept or reject all or any of them, or may accept or reject a part of any such bid, preference being given, however, to the lowest responsible bidder. All supplies furnished the county, or any officer thereof, shall be furnished at a price no greater than is specified in the bid which may be accepted by the board.

The board shall annually fix the price at which the

county shall be supplied with job printing and blank books, from a schedule prepared by the clerk of the board, showing all blanks and blank books used in the several offices and departments, and also the price of all county advertising; and each county officer shall procure such blank books, job printing, and advertising required for the proper discharge of his official duties, such printing and advertising to be done by such person or newspaper as such county officer may designate, at a price no greater than is so fixed, and certify the bill therefor to the board of supervisors.

A square of advertising shall be two hundred and thirty-four ems nonpareil. No supplies, printing, stationery, or books, shall be procured of any person or firm whose paper has not been published or whose place of business has not been established in the county for one year or more prior to the time for fixing said prices.

22. The board shall cause to be published a semi-annual statement of the financial condition of the county, showing, in detail the expenditures authorized during the preceding six months; and within ten days after each session of the board, a fair statement of all their proceedings.

23. To make and enforce such rules and regulations for the government of their body, the preservation of order, and the transaction of business, as may be necessary.

24. To adopt a seal for the board, a description and impression of which must be filed in the office of the county clerk and of the secretary of state.

25. To license, for purposes of regulation of revenue, all and every kind of business not prohibited by law, and transacted and carried on in such county, and all shows, exhibitions, and lawful games carried on therein; to fix the rates of license tax upon the same, and to provide for the collection of the same, by suit or otherwise; provided, that every honorably discharged soldier, sailor, or marine of the United States, who is unable to obtain a livelihood by manual labor, shall have the right to hawk, peddle, and vend any goods, wares, or merchandise except spirituous, malt, vinous, or other intoxicating liquor, without payment of any license, tax, or fee whatsoever, whether municipal, county, or state; and the board of supervisors shall issue to such soldier, sailor, or marine, without cost, a license therefor. The board may provide that any such

license shall cease upon the non-payment of such tax, and any person, firm, or corporation transacting or carrying on such business, without such license whenever prescribed, is guilty of a misdemeanor!

26. To provide for the destruction of gophers, squirrels, other wild animals, noxious weeds, and insects injurious to fruit or fruit trees, or vines, or vegetable or plant life.

27. To provide for the prevention of injuries to sheep by dogs, and to tax dogs and direct the application of the tax.

28. To provide, by ordinances not in conflict with the general laws of the state, for the protection of fish and game, and may shorten the season for the taking or killing of fish and game, within the dates fixed by the general state laws, but shall not lengthen the same.

29. To provide for the working of prisoners confined in the county jail, under judgment of conviction of misdemeanor, under the direction of some responsible person, to be appointed by the sheriff, whose compensation shall not exceed one hundred dollars per month, upon the public grounds, roads, streets, alleys, highways, or public buildings, or in such other places as may be deemed advisable, for the benefit of the county.

30. To provide for the burying of the indigent dead.

31. To make and enforce, within the limits of their county all such local police, sanitary, and other regulations as are not in conflict with general laws.

32. To adopt such rules and regulations within their respective counties, with regard to keeping and storing of every description of gunpowder, Hercules powder, giant powder, or other explosive or combustible material, as the safety and protection of the lives and property of individuals may require.

33. To appropriate from the general fund of the county, unless otherwise in this act provided, not to exceed, in counties of the first and second class, the sum of three thousand dollars, and in all other counties the sum of two thousand dollars in any one year, to aid in or carry on the work of inducing immigration thereto, or for the purpose of exhibiting or advertising the agricultural, mineral, manufacturing, or other resources of the county.

34. To enforce, by ordinance, within the limits of their counties, all such regulations concerning the size of

wagons and vehicles of all kinds to be used on the roads or highways, and the width of tires on the same, as are not in conflict with general laws.

35. To grant licenses and franchises for constructing, keeping, and taking tolls on roads, bridges, ferries, wharves, chutes, booms, and piers, and to grant franchises along and over the public roads and highways for all lawful purposes, upon such terms and conditions and restrictions as in their judgment may be necessary and proper, and in such manner as to present the least possible obstruction and inconvenience to the traveling public.

36. To grant on such terms, conditions, and restrictions as in their judgment may be necessary and proper, licenses and franchises for taking tolls on public roads or highways, whenever in their judgment the expense necessary to operate or maintain such public roads or highways as free public highways is too great to justify the county in so operating or maintaining them. It shall always be a condition attached to the granting of such licenses and franchises, that such roads or highways shall be kept in reasonable repair by the person or persons to whom such licenses or franchises may be granted.

37. To enact ordinances, and regulations for the construction, alteration, repair, and control of all public roads and highways in the county, unless otherwise provided by law.

38. To levy a special road fund tax, not to exceed two (2) mills on the one dollar of assessed valuation, on all the property in such counties, outside of any incorporated city or town. Such tax shall be in addition to all taxes otherwise provided for, and the fund so created shall be expended for the construction and maintenance of the main public roads or county highways in the several road districts, in proportion to the amount collected from such districts.

39. To encourage under such regulations as they may adopt, the planting and preservation of shade and ornamental trees on the public roads and highways, and on and about the public grounds and buildings of the county, and pay to persons planting and cultivating the same, for every living tree thus planted at the age of four years, a sum not exceeding one dollar.

40. To do and perform all other acts and things, required

by law not in this act enumerated, or which may be necessary to the full discharge of the duties of the legislative authority of the county government.

41. To provide by ordinance for the organization and government of districts, to protect and preserve the banks of rivers and streams and lands lying contiguous thereto from injury by overflow or the washing thereof, and to provide for the improvements of said rivers and streams, and prevent the obstruction thereof, and to provide for the assessment, levy, and collections within such districts of a tax therefor.

Sec. 25½. The boards of supervisors shall also have jurisdiction and power in their respective counties to acquire and take by purchase, condemnation, or otherwise, land for the uses and purposes of public boulevards; to lay out, establish and improve public boulevards and to incur a bonded indebtedness for any of such purposes; provided, that no such indebtedness shall be incurred for any of such purposes until after the question of the issue of bonds therefor shall have been submitted to the qualified electors of the county, at a special election called for that purpose and two thirds of the electors of the county voting at such election shall have voted in favor of issuing such bonds; said election to be called and held, and said bonds, if authorized, to be issued, sold and made payable in the manner and form prescribed by subdivision thirteen of section twenty-five of this act. Said boards shall also have power to maintain public boulevards, established and laid out under the provisions of this act, and to make and enforce rules and regulations for the protection, management, control and use of such boulevards. [New section added March 16, 1903. Stats. 1903, p. 160. In effect immediately.]

Sec. 26. The enacting clause of all ordinances of the board shall be as follows: "The board of supervisors of the county of — do ordain as follows." Every ordinance shall be signed by the chairman of the board and attested by the clerk. On the passage of all ordinances the votes of the several members of the board shall be entered on the minutes, and all ordinances shall be entered at length in the "Ordinance Book." No ordinance passed by the board shall take effect within less than fifteen days after its passage, and before the expiration of the said fifteen days the same shall be published, with the names of the

members voting for and against the same, for at least one week, in some newspaper published in the county if there be one, and if there be none published in the county, then such ordinance shall be posted at the courthouse door at least one week. An order entered in the minutes of the board that such ordinance has been duly published or posted shall be *prima facie* proof of such publication or posting.

Sec. 27. The board of supervisors shall have power to direct the sheriff to attend, in person or by deputy, all the meetings of the board, to preserve order, serve notices, subpoenas, citations, or other process, as directed by the board.

Sec. 28. Whenever the board of supervisors of any county shall deem it necessary or important to examine any person as a witness upon any subject or matter within the jurisdiction of such board, or to examine any officer of the county in relation to the discharge of his official duties, as to the receipt or disposition by him of any moneys, or concerning the possession or disbursement by him of any property belonging to the county, or to use, inspect, or examine any books, account, voucher, or document in the possession of such officer or other person, or under his control, relating to the affairs or interests of such county, the chairman of such board shall issue a subpoena, in proper form, commanding such person or officer to appear before such board, at a time and place therein specified, to be examined as a witness; and such subpoena may require such person or officer to produce on such examination all books, papers, and documents in his possession or under his control, relating to the affairs or interests of the county.

Sec. 29. It shall be the duty of the sheriff of the county to whom the subpoena is delivered, to serve the same by reading it to the person named therein, and at the same time to deliver to him a copy thereof, and his official return thereon, of the time and place of such service, shall be *prima facie* evidence thereof.

Sec. 30. Whenever the board of supervisors shall appoint any members of their body a committee upon any subject or matter of which the board has jurisdiction, and has conferred upon such committee power to send for persons and papers, the chairman of such committee shall

possess all the powers and be liable to all the duties heretofore given to and imposed upon the chairman of the board of supervisors.

Sec. 31. Whenever any person duly subpoenaed to appear and give evidence, or to produce any books and papers, as herein provided, shall neglect or refuse to appear, or to produce such books and papers, as required by such subpoena, or shall refuse to testify before such board or committee, or to answer any questions which a majority thereof shall decide to be proper and pertinent, he shall be deemed in contempt, and it shall be the duty of the chairman of the board, or of the committee, as the case may be, to report the fact to the judge of the superior court of the county, or of the city and county, who shall thereupon issue an attachment in the form usual in the court of which he shall be judge, directed to the sheriff of the county where such witness was required to appear and testify, commanding the said sheriff to attach such person, and forthwith bring him before the judge by whose order such attachment was issued.

Sec. 32. On the return of the attachment and the production of the body of the defendant, the said judge shall have jurisdiction of the matter, and the person charged may purge himself of the contempt in the same way, and the same proceedings shall be had, and the same penalties may be imposed, and the same punishment inflicted as in case of a witness subpoenaed to appear and give evidence on the trial of a civil cause before a superior court.

Sec. 33. The witnesses summoned to testify on behalf of the county in matters of public concern before the board of supervisors are not entitled to have their fees prepaid; but the board must allow them the reasonable expenses of their attendance.

Sec. 34. The board must provide printed copies of the great register, poll lists, poll books, blank returns and certificates, proclamations of elections, and other appropriate and necessary appliances for holding all elections in the county, and allow reasonable charges therefor, and for the transmission and return of the same to the proper officers.

Sec. 35. Whenever, as canvassers, the board of supervisors have declared the result of an election held in the county, certificates must be, by the county clerk, issued

to all persons elected to a county, township, or district office therein, and such other certificates must be made out and transmitted as required by law.

Sec. 36. The board must not, for any purpose, contract debts or liabilities, in any manner or for any purpose, which exceed in any fiscal year the income and revenue provided for such year, except as permitted by the constitution. It shall be the duty of the auditor, at the commencement of each regular session of the board, to lay before it a statement prepared by him of the aggregate amount of allowance against each fund, and of salaries and liabilities fixed by law, paid or payable therefrom since the beginning of the fiscal year, together with a statement of receipts of each fund for that portion of the year already elapsed, and an exact estimate of the revenue for the remainder of the year apportioned to the different funds, based upon the receipts for the corresponding portion of the preceding year. Whenever the board shall have levied the state and county tax for the fiscal year, the auditor's estimates for the remainder of the year shall, as to receipts from property tax, be based upon the assessment roll and tax levy, deducting ten per cent for the anticipated delinquencies. Up to and including the first day of January in each fiscal year the board shall have no power for any purpose to contract debts or liabilities in any manner or for any purpose nor to make any allowances against any funds, which with all the debts and liabilities previously incurred and with all allowances previously made, and salaries and liabilities fixed by law payable therefrom, shall exceed seventy per cent of the auditor's estimate of revenue for the year, except to build or repair roads and bridges which have been destroyed or made impassable by flood or fire. Any debts or liabilities contracted in any manner or for any purpose and any allowances made contrary to the provisions of this section shall be null and void and the auditor shall not draw his warrant therefor nor the treasurer pay the same. When several allowances are made on the same day, they shall be deemed to have been in the order in which they are entered in the "Allowance Book," and shall be certified in that order by the auditor. [Amendment approved March 24, 1902. Stats. 1902, 402; in effect immediately.]

Sec. 37. Whenever the board of supervisors shall adopt plans and specifications for the erection, alteration, construction, or repair of any public building, bridge, or other public structure, such plans and specifications shall not be altered or changed in any manner whereby the cost of such building, bridge, or structure shall be increased, except by a vote of two thirds of their number.

Sec. 38. Whenever the board of supervisors shall enter into a contract for the erection, construction, alteration, or repair of any public building, bridge, or other structure, such contract shall not be altered or changed in any manner, unless they shall, by a vote of two thirds of their number, and with the consent of the contractor, first so order. And whenever any such change or alteration is so ordered, the particular change or alteration shall be specified, in writing, and the cost thereof agreed upon between the board and the contractor. In no case shall the board pay or become liable to pay for any extra work done on, or extra material furnished for, such building or structure.

Sec. 39. No county officer shall, except for his own service, present any claim, account, or demand for allowance against the county, or in any way except in the discharge of his official duty advocate the relief asked in the claim or demand made by any other. Any person may appear before the board and oppose the allowance of any claim or demand made against the county.

Sec. 40. The board of supervisors must not hear or consider any claim in favor of any public officer, person, corporation, company, or association against the county, nor shall the board credit or allow any claim or bill against the county or district fund, unless the same be itemized, giving names, dates and particular services rendered, character of process served, upon whom, distance traveled, where and when, character of work done, number of days engaged, supplies or materials furnished, to whom, and quantity and price paid therefor, duly verified to be correct, and that the amount claimed is justly due, and is presented and filed with the clerk of the board within a year after the last item of the account or claim accrued. If, in case of any claim which requires itemizing, the board do not hear or consider the same because it is not itemized, they shall cause notice to be given to

the claimant or his attorney of that fact, and give time to have the claim itemized and reverified.

Sec. 41. No account shall be passed upon by the board, unless made out as prescribed in this and the preceding section and filed with the clerk three days prior to the time of the meeting of the board at which it is asked to be allowed.

Such demand shall be made out in form substantially as follows:

Clerk's memorandum, No. _____ Fund: _____

Demand of _____, dated _____, in sum of \$_____,
for _____. Allowed by the board of supervisors _____,
18____, in the sum of \$_____,

Attest: _____, Clerk of Board.

.....
Demand of

No. _____. Fund _____. Demand on the treasury
of the county of _____, state of California, for the sum
of _____ dollars, being for _____.

Date.	Items.	Dollars.	Cents.
.....			
.....			
.....			
		\$.....	

Expenditures authorized and approved by me. _____

State of California, }
County of _____ } ss.

The undersigned being duly sworn, says: That the above claim and the items as therein set out are true and correct; that no part thereof has been heretofore paid, and that the amount therein is justly due this claimant, and that the same is presented within one year after the last item thereof has accrued.

Subscribed and sworn to before me this _____ day
of _____.

_____, County Clerk.

Allowed by Board of Supervisors, —, 18—, in sum of \$—, payable out of — Fund.

Attest: —, Clerk of Board of Supervisors.

Countersigned: —, Chairman Board of Supervisors.

Warrant No. —.

Allowed —, 18—, for the sum of \$—, payable out of — Fund,

—, County Auditor.

No. —, Registered —, 189—.

—, County Treasurer.

Said demand shall be approved before filing by the officer who directed such expenditure. If said demand be allowed by the board, the clerk of the board shall detach and file the memorandum, and shall indorse on such demand "Allowed by the board of supervisors," together with the date of such allowance, the amount of such allowance and from what fund; shall attest the same with his signature, and, when countersigned by the chairman, shall transmit the same to the auditor, who shall, in case he allows said demand, indorse upon it "Allowed," together with the amount for which it is allowed, from what fund, date and number of the warrant, and shall, in attestation thereof, affix his signature thereto and deliver the same to the claimant; and said demand, when so allowed and signed by the auditor, shall constitute the warrant on the treasury, within the meaning of this act.

Sec. 42. When the board find that any claim presented is not payable by the county, or is not a proper county charge, it must be rejected; and said rejection shall be plainly indorsed on said claim; if they find it to be a proper county charge, but greater in amount than is justly due, the board may allow the claim in part, and draw a warrant for the portion allowed, on the claimant filing a receipt in full for his account. If the claimant is unwilling to receive such amount in full payment, the claim may again be considered at the next regular session of the board, but not afterward.

Sec. 43. If the board refuse, or neglect to allow or reject a claim or demand for ninety days, after the same has been filed with the clerk, such refusal or neglect may, at the option of the claimant, be deemed equivalent to

final action and rejection on the ninetieth day, and a claimant dissatisfied with the rejection of his claim or demand, or with the amount allowed him on his account, may sue the county therefor at any time within six months after the final action of the board, but not afterward, and if, in such action, judgment is recovered for more than the board allowed, on presentation of a certified copy of the judgment, the board must allow and pay the same, together with the costs adjudged; but if no more is recovered than the board allowed, the board must pay the claimant no more than was originally allowed.

Sec. 44. Warrants drawn by order of the supervisors on the county treasury for the current expenses during each year, must specify the liability for which they are drawn, and when they accrued, and must be paid in the order of the presentation to the treasurer. If the fund is insufficient to pay any warrant, it must be registered, and thereafter paid in the order of registration.

Sec. 45. No member of the board must be interested, directly or indirectly, in any property purchased for the use of the county, nor in any purchase or sale of property belonging to the county, nor in any contract made by the board, or other person, on behalf of the county, for the erection of public buildings, the opening or improvement of roads, or the building of bridges, or for any purpose, or act as a member of a committee or board of reviewers.

Sec. 46. Whenever an application is made to the board for an order, franchise or license relating to any toll road, bridge, ferry, wharf, chute, pier or other subject over which the board has jurisdiction, in which a majority of the board are interested, the application, by order of the board, must be transferred to the superior court of the county. The clerk of the board must thereupon certify the application, and all orders and papers relating thereto, to said superior court, and thereafter the said superior court shall have full jurisdiction to hear and determine the application.

Sec. 47. All public notices of proceedings of or to be had before the board, not otherwise specially provided for, must be posted at the courthouse door, and two other public places in the county.

Sec. 48. The board must require the assessor to report to the state board of equalization, annually, a true state-

ment of the agricultural and industrial pursuits and products of the county, with such other statistical information as they may direct.

Sec. 49. All claims against the county, presented by members of the board of supervisors for per diem and mileage, or other service rendered by them, must be itemized and verified as other claims, and must state that the service has been actually rendered, and before allowance such claims must be presented to the district attorney, who must indorse thereon, in writing, his opinion as to the legality thereof. If the district attorney declare the claim, or any part thereof, illegal, he must state specifically wherein it is illegal, and the claim, or such part, must then be rejected by said board.

Sec. 50. The board must have prepared by the clerk, and when he is not also auditor, then by that officer, and under their direction, prior to their annual meeting for levying taxes, a statement showing:

1. The indebtedness of the county, funded and floating, stating the amount of each class, and the rate of interest borne by such indebtedness, or any part thereof.

2. A concise description of all property owned by the county, with an approximate estimate of the value thereof, and the amount of cash in the county treasury and its several funds.

Sec. 51. The board must receive from the United States, or other sources, lands and other property granted or donated to the county for the purpose of aiding in the erection of county buildings, roads, bridges or other specific purposes, and may use the same therefor, and may provide for the sale of the same, and the application of the proceeds thereof.

Sec. 52. The board may provide for widening, deepening, straightening, removing obstructions from and otherwise improving all streams and washes within the county and also protecting the banks and adjacent lands from overflow of such streams or washes, when the same are not declared by law to be, and in fact are not, navigable for commercial purposes, the overflow of which interferes with highways; and provide regulations for the use, repair, and control thereof; but no regulations of the board, nor improvements directed, must in any manner interfere with the private rights or privileges of riparian owners,

miners or others. Whenever, in the opinion of the board of supervisors, the general fund is insufficient to defray the cost of the improvements provided for under this section, they may levy a tax or contract a bonded indebtedness therefor in the manner provided by this act.

Sec. 53. Any supervisor who refuses or neglects to perform any duty imposed on him, without just cause therefor, or who willfully violates any law provided for his government as such officer, or fraudulently or corruptly performs any duty imposed on him, or willfully, fraudulently or corruptly attempts to perform an act, as supervisor, unauthorized by law, in addition to the penalty provided in the Penal Code, forfeits to the county five hundred dollars for every such act, to be recovered on his official bond, and is further liable on his official bond, to any person injured thereby, for all damages sustained.

Sec. 54. No person is eligible to an elective county, district, or township office, who, at the time of his election, is not of the age of twenty-one years, a citizen of the state, and an elector of the county, district, or township in which the duties of the office are to be exercised (provided, that any woman who is of the age of twenty-one years, a citizen of the state, and a resident of the county or district), shall be eligible to the office of superintendent of public schools, school trustee, or member of the county board of education; and provided further, that no person shall hereafter be eligible to the office of district attorney who has not been admitted to practice in the supreme court of the state of California. [Amendment approved March 23, 1901. Stats. 1901, p. 686; in effect 12 M. on the first Monday after January 1, 1903.]

Sec. 55. The officers of a county are a sheriff, a county clerk, an auditor, a recorder, a license collector, a tax collector, who shall be ex-officio license collector, a district attorney, an assessor, a treasurer, a superintendent of schools, a public administrator, a coroner, a surveyor, the members of the board of supervisors and such other officers as may be provided by law. In counties where the board of supervisors by proper ordinance so elect, except as otherwise provided in this act, the duties of certain of the above-mentioned officers are hereby consolidated as follows: Sheriff and tax collector; auditor and recorder; county clerk, auditor and recorder; county

clerk and recorder; county clerk and auditor; treasurer and tax collector; assessor and tax collector; public administrator and coroner. In counties where the duties of said officers have been, or may hereafter be, consolidated in either manner above designated, the board of supervisors thereof, by proper ordinance, may elect to separate the duties so consolidated, and reconsolidate them in any other manner above provided, or may separate said duties without reconsolidation, and provide that the duties of each office shall be performed by a separate person, whenever, in their discretion, the public interest will be best subserved thereby. When offices are united and consolidated, the person elected to fill the offices so united and consolidated must take the oath and give the bond required for each, discharge all the duties pertaining to each, and receive the compensation of the offices consolidated.

Sec. 56. The officers of a township are two justices of the peace, two constables, and such subordinate officers as are provided by law. In townships containing cities in which city justices or recorders are elected, there shall be but one justice of the peace; except as hereinafter otherwise provided, and in townships having a population less than five thousand, there shall be but one justice of the peace and one constable, and except in townships containing a population of more than one hundred thousand and less than three hundred thousand, there shall be two justices of the peace. The board of supervisors of each county, as public convenience may require, shall divide their respective counties into townships for the purpose of electing justices of the peace and constables and shall appoint competent persons to fill the offices of justice of the peace and constable created by this act. But the provisions of this section shall not affect any present incumbent of the office of justice of the peace or constable. [Amendment approved March 12, 1903. Stats. 1903, p. 129; in effect immediately.]

Sec. 57. Whenever notice is required by law to be published in a newspaper by any county or township officer, the person for whom the notice is to be given shall pay to such officer, if required, the fees for such publication, in advance. And failure to publish any notice required by law pertaining to the duties of his office, shall be a misdemeanor.

Sec. 58. All elective county and township officers, and city justices of the peace, except otherwise provided for in this act, shall be elected at the general election at which the governor is elected, and shall take office at twelve o'clock meridian on the first Monday after the first day of January next succeeding their election. All officers elected under the provisions of this act shall hold office until their successors are elected or appointed and qualified. Supervisors shall be elected at the general election prior to expiration of the term of the incumbent. The supervisors of any county created after the first day of January, eighteen hundred and ninety-three, shall, within six months after the first general election succeeding the creation of such county, classify themselves by lot into two classes, as nearly equal in number as possible, and the term of office of the class having the greater number shall expire in two years from such general election, and the term of office of the class having the lesser number shall terminate in four years from such general election.

Sec. 59. Every county, township, or district officer, except a supervisor or judicial officer, may appoint as many deputies as may be necessary for the prompt and faithful discharge of the duties of his office. Such appointment must be made in writing, and filed in the office of the county clerk; and until such appointment is so made and filed, and until such deputy shall have taken the oath of office, no one shall be or act as such deputy.

Sec. 60. Whenever the official name of any principal officer is used in any law conferring power, or imposing duties or liabilities, it includes deputies.

Sec. 61. All county officers must have their offices at the county seat, and the sheriff, clerk, recorder, auditor, treasurer and district attorney must keep their offices open for the transaction of business from nine o'clock A. M. until five o'clock P. M., non-judicial days excepted.

Sec. 62. Whenever, except in criminal prosecutions, any special penalty, forfeiture or liability is imposed on any officer for non-performance or mal-performance of official duties, the liability therefor attaches to the official bond of such officer, and to the principal and sureties thereon.

Sec. 63. Every officer mentioned in section fifty-five,
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and his deputies, and every justice of the peace, may administer and certify oaths.

Sec. 64. A county or township officer shall in no case absent himself from the state for a period of more than sixty days in any one year, and for no period without the consent of the board of supervisors of the county, except when on business for the state; provided, that in case of illness or urgent necessity, the board of supervisors may, on a proper showing of such illness or urgent necessity, extend the time herein limited, for the absence of any such officer, not to exceed six months.

Sec. 65. Sheriffs, clerks and constables, and their deputies, are prohibited from practicing law, or acting as attorneys or counselors at law, in the counties where they reside and hold office, or from having as a partner a lawyer, or any one who acts as such, and no county officer, or his deputy, except district attorneys and treasurers, shall be eligible to the office of notary public, or perform the duties of the same.

Sec. 66. The board of supervisors of each county shall, on or before the first Monday in September, preceding the election of the following officers, prescribe the amount in which said officers must execute official bonds: Treasurer, county clerk, auditor, sheriff, tax collector, district attorney, recorder, assessor, surveyor, superintendent of schools, public administrator, coroner, justice of the peace and constable. The judge or judges of the superior court shall, on or before the said first Monday of September, prescribe the amount in which each member of the board of supervisors must execute an official bond before entering upon the discharge of the duties of his office. The bonds and sureties of such officers must, before the bonds can be recorded and filed, be approved by the judge, or judges, if there be more than one, of the superior court. All persons offered as sureties on official bonds may be examined on oath touching their qualifications, and no person can be admitted as surety on any such bond unless he is a resident and freeholder or householder within the state, and is worth in real or personal property, or both, situate in this state, the amount of his undertaking, over and above all sums for which he is already liable, exclusive of property exempt from execution and forced sale. All official bonds shall be recorded in the office of the county

recorder, and then filed and kept in the office of the county clerk. The official bond of the county clerk shall, after being recorded, be filed and kept in the office of the county treasurer. The tax collector shall also before qualifying give a bond as license collector in such sum as may be fixed by the board of supervisors, to be approved as herein provided.

COUNTY TREASURER.

Sec. 67. The county treasurer must:

1. Receive all moneys belonging to the county, and all other moneys by law directed to be paid to him, safely keep the same, and apply and pay them out, rendering the account thereof as required by law.

2. File and keep the certificates of the auditor delivered to him when moneys are paid into the treasury.

3. Keep an account of the receipt and expenditure of all such moneys, in books provided for the purpose, in which must be entered the amount, the time when, from whom, and on what account all moneys were received by him; the amount, time when, to whom, and on what account all disbursements were made by him.

4. So keep his books that the amount received and paid out on account of separate funds or specific appropriations are exhibited in separate and distinct accounts, and the whole receipts and expenditures shown in one general or cash account.

5. Enter no moneys received for the current year on his account with the county for the past fiscal year, until after his annual settlement for the past year has been made with the county auditor.

6. Disburse the county moneys only on county warrants, issued by the county auditor, except on settlement with the state.

7. Disburse the moneys in the treasury on such warrants only when they are based on orders of the board of supervisors, or upon order of the superior court, or as otherwise provided by law.

Sec. 68. He must receive no money into the treasury unless accompanied by the certificate of the auditor, provided for in section one hundred and eleven.

Sec. 69. When any money is paid to the county treasurer he must give to the person paying the same a receipt

therefor, which must forthwith be deposited with the county auditor, who must charge the treasurer therewith, and give the person paying the same a receipt.

Sec. 70. When a warrant is presented for payment, if there is money in the treasury for that purpose, he must pay the same and write on the face thereof "Paid," the date of payment, and sign his name thereto.

Sec. 71. When any warrant is presented to the treasurer for payment, and the same is not paid for want of funds, the treasurer must indorse thereon "Not paid for want of funds," with the date of presentation, and sign his name thereto, and from that time until paid the warrant bears five per cent interest per annum.

Sec. 72. When there are sufficient moneys in the treasury to pay the warrants drawing interest, the treasurer must give notice in some newspaper published in the county, or if none is published therein, then by written notice posted upon the courthouse door, stating therein that he is ready to pay such warrants. From the first publication or posting of such notice, such warrants cease to draw interest.

Sec. 73. In advertising warrants under the provisions of the preceding section in any newspaper, the treasurer must not publish the warrants in detail, but give notice only that county warrants presented for payment prior to such a date, stated in the notice, are payable. When a part only of the warrants presented for payment on the same day are payable, the treasurer must designate such payable warrants in the advertisement.

Sec. 74. Warrants drawn on the treasury, and properly attested, are entitled to preference as to payment out of moneys in the treasury properly applicable to such warrants, according to the order in which they were presented. The time of presenting such warrants must be noted by the treasurer, and upon receipt of moneys into the treasury not appropriated, he must set apart the same, or so much thereof as is necessary for the payment of such warrants.

Sec. 75. Should such warrants not be again presented for payment within sixty days from the time the notice hereinbefore provided for is given, the fund set aside for the payment of the same must be by the treasurer applied to the payment of unpaid warrants next in order of regis-

try. The board of supervisors may, on application and presentation of warrants properly indorsed, which have been advertised, pass an order directing the treasurer to pay them out of any money in the treasury not otherwise appropriated.

Sec. 76. When the treasurer pays any warrant upon which any interest is due, he must note on the warrant the amount of interest paid thereon and enter on his account the amount of such interest distinct from the principal.

Sec. 77. The treasurer must settle his accounts relating to the collection, care and disbursement of public revenue, of whatsoever nature and kind, with the auditor, on the first Monday of each month. For the purpose of making such settlement, he must make a statement, under oath, of the amount of money or other property received prior to the period of such settlement, the sources whence the same was derived, the amount of payments or disbursements, and to whom, with the amount remaining on hand. He must, in such settlements, deposit all warrants redeemed by him, and take the auditor's receipt therefor. He must also make a full settlement of all accounts with the auditor, annually, on the first Monday of January, in the presence of the supervisors.

Sec. 78. Each county treasurer must make a detailed report, at every regular meeting of the board of supervisors of his county, of all moneys received by him, and the disbursement thereof, and of all debts due to and from the county, and of all other proceedings in his office, so that the receipts into the treasury and the amounts of disbursements, together with the debts due to and from the county, may distinctly appear.

Sec. 79. If any county treasurer neglect or refuse to settle or report, as required in sections seventy-seven and seventy-eight, he forfeits and must pay to the county the sum of five hundred dollars for every such neglect or refusal, and the board of supervisors must institute suits for the recovery thereof.

Sec. 80. If the district attorney refuse or neglect to account for and pay over money received by him, as required by the fifth subdivision of section one hundred and thirty-two, he shall be liable for such refusal or neglect upon his official bond, and the county treasurer must bring

an action against him for the recovery thereof, in the name of the county, and may recover in such action, in addition to the amount so received, fifty per cent thereon by way of damages. And no order of the board of supervisors shall be necessary to bring such action. His reasonable expenses, including attorney's fees, shall be a county charge.

Sec. 81. The treasurer, upon receiving from the coroner, or justice of the peace acting as coroner, money found on a dead body, must place it to the credit of the county; on receiving other property in like manner, he must, within thirty days, sell it at public auction, upon reasonable public notice, and must, in like manner, place the proceeds to the credit of the county. All said moneys must be kept in a separate fund.

Sec. 82. If the money in the treasury is demanded within six years, by the legal representatives of the decedent, the treasurer must pay it to them, after deducting the fees and expenses of the coroner, and of the county, in relation to the matter, or the same may be so paid at any time thereafter, upon the order of the board of supervisors.

Sec. 83. The county treasurer must keep all moneys belonging to this state, or to any county of this state, in his own possession, until disbursed according to law. He must not place the same in the possession of any person, to be used for any purpose; nor must he loan, or in any manner use, or permit any person to use the same, except as provided by law; but nothing in this section prohibits him from making special deposits for the safe-keeping of the public moneys; but he shall be liable therefor on his official bond.

Sec. 84. Whenever an action, based upon official misconduct, is commenced against any county treasurer, the supervisors may, in their discretion, suspend him from office until such suit is determined, and may appoint some person to fill the vacancy, who shall qualify and give such bond as may be required by the board of supervisors.

Sec. 85. In case of the death of any county treasurer, his legal representatives must deliver up to the person appointed to fill the vacancy occasioned by such death, all official moneys, books, accounts, papers and documents which are or may come into their possession.

Sec. 86. The books, accounts and vouchers of the treasurer are at all times subject to the inspection and examination of the board of supervisors and grand jury.

Sec. 87. The treasurer must permit the chairman of the board of supervisors, district attorney and auditor to examine his books and count the money in the treasury, whenever they may wish to make an examination or counting.

SHERIFF.

Sec. 88. "Process," as used in this act, includes all writs, warrants, summons and orders of courts of justice, or judicial officers. "Notice" includes all papers and orders (except process) required to be served in any proceeding before any court, board or officer, or when required by law to be served independently of such proceeding.

Sec. 89. The sheriff must:

1. Preserve the peace.
2. Arrest and take before the nearest magistrate for examination all persons who attempt to commit, or who have committed, a public offense.
3. Prevent and suppress any affrays, breaches of the peace, riots and insurrections which may come to his knowledge.
4. Attend all superior courts held within his county, and obey all lawful orders and directions of all courts held within his county.
5. Command the aid of as many male inhabitants of his county as he may think necessary in the execution of these duties.
6. Take charge of and keep the county jail, and the prisoners therein.
7. Release on the record all attachments of real property, when the attachment placed in his hand has been released or discharged.
8. Indorse upon all process and notices the year, month, day, hour and minute of reception, and issue therefor to the person delivering it, on payment of fees, a certificate showing the names of the parties, title of paper and time when received.
9. Serve all process and notices in the manner prescribed by law.

10. Certify, under his hand, upon process or notices, the manner and time of service, or if he fails to make service, the reason of his failure, and return the same without delay.

Sec. 90. When process or notices are returnable to another county, he may inclose such process or notice in an envelope, addressed to the officer from whom the same emanated, and deposit it in the postoffice, prepaying postage.

Sec. 91. The return of the sheriff upon process or notices is prima facie evidence of the facts in such return stated.

Sec. 92. If a sheriff does not return a process or notice in his possession, with the necessary indorsement thereon, without delay, he is liable to the party aggrieved for the sum of two hundred dollars, and for all damages sustained by him.

Sec. 93. If the sheriff to whom a writ of execution is delivered neglects or refuses, after being required by the creditor or his attorney, the fees having first been paid or tendered, to levy upon or sell any property of the party charged in the writ, which is liable to be levied upon and sold, he is liable to the creditor for the value of such property.

Sec. 94. If he neglects or refuses to pay over, on demand, to the person entitled thereto, any money which may come into his hands by virtue of his office (after deducting all legal fees), the amount thereof, with twenty-five per cent damages, and interest at the rate of ten per cent per month, from the time of demand, may be recovered by such person.

Sec. 95. A sheriff who suffers the escape of a person arrested in a civil action, without the consent or connivance of the party in whose behalf the arrest or imprisonment is made, is liable as follows:

1. When the arrest is upon an order to hold to bail, or upon a surrender in exoneration of bail before judgment, he is liable to the plaintiff as bail.

2. When the arrest is on an execution or commitment to enforce the payment of money, he is liable for the amount expressed in the execution or commitment.

3. When the arrest is on an execution or commitment

other than to enforce the payment of money, he is liable for the actual damages sustained.

4. Upon being sued for damages for an escape or rescue, he may introduce evidence in mitigation and exculpation.

Sec. 96. He is liable for the rescue of a person arrested in a civil action, equally as for an escape.

Sec. 97. An action cannot be maintained against the sheriff for a rescue, or for an escape of a person arrested upon an execution or commitment, if, after his rescue or escape, and before the commencement of the action, the prisoner returns to the jail, or is retaken by the sheriff.

Sec. 98. No direction or authority by a party or his attorney to a sheriff, in respect to the execution of process or return thereof, or to any act or omission relating thereto, is available to discharge or excuse the sheriff from a liability for neglect or misconduct, unless it is contained in a writing, signed by the attorney of the party, or by the party, if he has no attorney.

Sec. 99. When the sheriff is committed, under an execution or commitment, for not paying over money received by him by virtue of his office, and remains committed for sixty days, his office is vacant.

Sec. 100. A sheriff or other ministerial officer is justified in the execution of, and must execute, all process and orders regular on their face, and issued by competent authority, whatever may be the defect in the proceedings upon which they were issued.

Sec. 101. The officer executing process must then, and at all times subsequent, so long as he retains it, upon request, show the same, with all papers attached, to any person interested therein.

Sec. 102. The sheriff in attendance upon court must act as the crier thereof, call the parties and witnesses, and all other persons bound to appear at the court, and make proclamation of the opening and adjournment of the court, and of any other matter under its direction.

Sec. 103. Service of a paper, other than process, upon the sheriff may be made by delivering it to him or to one of his deputies, or to a person in charge of the office during office hours; or, if no such person be there, by leaving it in a conspicuous place in the office. When any process remains with the sheriff unexecuted, in whole or

in part, at the time of his death, resignation of office, or at the expiration of his term of office, said process shall be executed by his successor or successors in office; and when the sheriff sells real estate, under and by virtue of an execution or order of court, he or his successors in office shall execute and deliver to the purchaser or purchasers all such deeds and conveyances as are required by law and necessary for the purpose, and such deeds and conveyances shall be as valid in law as if they had been executed by the sheriff who made the sale.

Sec. 104. When the sheriff is a party to an action or proceeding, the process and orders therein, which it would otherwise be the duty of the sheriff to execute, must be executed by the coroner of the county; provided, when any action is begun against the sheriff, all process and orders may be served by any person, a citizen of the United States over the age of eighteen years, in the manner provided in the Code of Civil Procedure.

Sec. 105. Process or orders in an action or proceeding may be executed by a person residing in the county, designated by the court, or the judge thereof, and denominated an elisor, in the following cases:

1. When the sheriff and coroner are both parties;
2. When either of these officers is a party, and the process is against the other; and
3. When either of these officers is a party, and there is a vacancy in the office of the other, or where it appears, by affidavit, to the satisfaction of the court in which the proceeding is pending, or the judge thereof, that both of these officers are disqualified, or by reason of any bias, prejudice or other cause, would not act promptly or impartially.

When process is delivered to an elisor, he must execute and return it in the same manner as the sheriff is required to execute similar process. Whenever process is executed, or any act performed by a coroner or elisor, in the cases provided by law in that behalf, such coroner or elisor shall be entitled to receive a reasonable compensation, to be fixed by the court, to be paid by the plaintiff in case of the summoning of jurors to complete the panel, and by the person or party requiring the service in all other cases in private action. If rendered at the instance of the people, it shall be audited and paid as a county charge.

Sec. 106. The sheriff must perform such other duties as are required by law.

COUNTY CLERK.

Sec. 107. The county clerk must:

1. Take charge of and safely keep, or dispose of, according to law, all books, papers and records which may be filed or deposited in his office.

2. Act as clerk of the board of supervisors and as clerk of the superior court, and attend each session thereof, and upon the judge at chambers, when required.

3. Issue all process and notices required to be issued; enter a synopsis of all orders, judgments and decrees proper to be entered, unless the court shall order them to be entered at length; keep in the superior court a docket, in which must be entered the title of each cause, with the date of its commencement; a memorandum of every subsequent proceeding therein, with date thereof, and a list of all the fees charged.

4. Keep for the superior court an index of all suits, labeled "General Index—Plaintiffs," each page of which must be divided into seven columns, under their respective heads, alphabetically arranged, as follows: "Number of Suit," "Plaintiffs," "Defendants," "Date of Judgment," "Number of Judgment," "Page of Entry of Judgment in Judgment Book," "Page of Minute Book"; also an index, labeled "General Index—Defendants," each page of which must be divided into seven columns, under their respective heads, alphabetically arranged, as follows: "Number of Suit," "Defendants," "Plaintiffs," "Date of Judgment," "Number of Judgment," "Page of Entry of Judgment in Judgment Book," "Page in Order Book"; keep an index of the names of persons naturalized.

Sec. 108. He must keep such other records and perform such other duties as are prescribed by law.

COUNTY AUDITOR.

Sec. 109. The auditor must issue warrants as provided in section forty-one, on the county treasurer, in favor of all persons entitled thereto, in payment of all claims and demands chargeable against the county, which have been legally examined, allowed and ordered paid by the board of supervisors. The auditor must also issue warrants on the county treasurer for all debts and demands

against the county, when the amounts are fixed by law, or are authorized by law to be allowed by some person or tribunal other than the board of supervisors.

Sec. 110. All warrants must distinctly specify the liability for which they are drawn, and when it accrued.

Sec. 111. The auditor must examine and settle the accounts of all persons or officers indebted to the county, or holding moneys payable into the county treasury, and must certify the amount to the treasurer, and upon the presentation and filing of the treasurer's receipt therefor, give to such persons a discharge, and charge the treasurer with the amount received by him.

Sec. 112. The auditor must keep accounts current with the treasurer, and when any person deposits with the auditor any receipt given by the treasurer for any money paid into the treasury, the auditor must file such receipt, and charge the treasurer with the amount thereof.

Sec. 113. All warrants issued by the auditor during each year, commencing with the first Monday after the first day of January, must be numbered consecutively, and the number, date and amount of each, and the name of the person to whom payable, and the purpose for which drawn, must be stated thereon; and they must, at the time they are issued, be registered by him, and after such warrants have remained uncalled for for two years they shall be canceled.

Sec. 114. The auditor must, between the first and tenth day of each month, examine the books of the treasurer and see that the same have been correctly kept.

Sec. 115. The chairman of the board of supervisors, district attorney and auditor, must, at least once in each month, count the money in the county treasury, and make and verify in duplicate, statements showing:

1. The amount of money that ought to be in the treasury.
2. The amount and kind of money actually therein.

Sec. 116. They must file one of the statements in the office of the county clerk, and the auditor must post and maintain the other in his office for at least one month thereafter.

Sec. 117. The auditor and treasurer of each county must, on the first Monday in February, May, August, and November, and at such other times as the board of supervisors may require, make a joint statement to the board

of supervisors, showing the whole amount of collections (stating particularly the source of each portion of the revenue) from all sources paid into the county treasury; the funds among which the same are distributed, and the amount to each; the total amount of warrants drawn and paid, and on what fund; the total amount of warrants drawn and unpaid, and accounts or claims audited or allowed and unpaid, and the fund out of which they are to be paid, and generally make a full and specific showing of the financial condition of the county. The board of supervisors shall cause to be prepared, and shall publish each year a statistical report showing in compendious form all the financial transactions of the county for the last fiscal year, exhibiting separately the receipts and expenditures by or on account of each office, board, commission, institution, court, and road district and school district, and classifying the principal items of income and expenditure, so as to show the financial transactions and the financial condition of the county. [Amendment approved March 23, 1901. Stats. 1901, p. 686. In effect immediately.]

Sec. 118. The auditor must discharge such other duties as are required by law.

COUNTY RECORDER.

Sec. 119. The recorder must procure such books for records as the business of his office requires, but orders for the same must first be obtained from the board of supervisors. The books used may contain printed forms of deeds, mortgages or other instruments of general use. He has the custody of, and must keep all books, records, maps and papers deposited in his office.

Sec. 120. He must, upon the payment of his fees for the same, record, separately, in large and well-bound separate books, in a fair hand:

1. Deeds, grants, transfers and mortgages of real estate, releases of mortgages, powers of attorney to convey real estate, and leases which have been acknowledged and approved.

2. Mortgages of personal property.

3. Certificates of marriage and marriage contracts.

4. Wills admitted to probate.

5. Official bonds.

6. Notice of mechanics' liens.

7. Transcripts of judgments, which by law are made liens upon real estate.

8. Notices of attachments upon real estate.

9. Notices of the pendency of an action affecting real estate, the title thereto, or the possession thereof.

10. Instruments describing or relating to the separate property of married women.

11. Births and deaths; and,

12. Such other writings as are required or permitted by law to be recorded.

Sec. 121. Every recorder must keep:

1. An index of deeds, grants and transfers, labeled "Grantors," each page divided into four columns, headed, respectively: "Names of Grantors," "Names of Grantees," "Date of Deeds, Grants or Transfers" and "Where Recorded."

2. An index of deeds, labeled "Grantees," each page divided into four columns, headed, respectively: "Names of Grantees," "Names of Grantors," "Date of Deeds, Grants or Transfers," and "Where Recorded."

3. Two indices of mortgages, labeled, respectively: "Mortgagors of Real Property," "Mortgagors of Personal Property," with the pages thereof divided into five columns, headed, respectively: "Names of Mortgagors," "Names of Mortgagees," "Date of Mortgages," "Where Recorded," "When Discharged."

4. Two indices of mortgages, labeled, respectively: "Mortgagees of Real Property," "Mortgagees of Personal Property," with the pages thereof divided into five columns, headed, respectively: "Names of Mortgagees," "Names of Mortgagors," "Date of Mortgages," "Where Recorded," "When Discharged."

5. Two indices of releases of mortgages, labeled respectively: "Releases of Mortgages of Real Property—Mortgagors," "Releases of Mortgages of Personal Property—Mortgagors," with pages thereof divided into six columns, headed, respectively: "Parties Releasing," "To Whom Releases are Given," "Date of Releases," "Where Releases are Recorded," "Date of Mortgages Released," "Where Mortgages Released are Recorded."

6. Two indices of releases of mortgages, labeled, respectively: "Releases of Mortgages of Real Property—Mortgagees," "Releases of Mortgages of Personal Prop-

erty—Mortgagees," with pages thereof divided into four columns, headed, respectively: "Parties Whose Mortgages are Released," "Parties Releasing," "Date of Releases," "Where Recorded."

7. An index of powers of attorney, labeled: "Powers of Attorney," each page divided into five columns, headed, respectively: "Names of Parties Executing the Powers," "To Whom Powers are Executed," "Date of Powers," "Date of Recording," "Where Powers are Recorded."

8. An index of leases, labeled: "Leases—Lessors," each page divided into four columns, headed, respectively: "Names of Lessors," "Names of Lessees," "Date of Leases," "When and Where Recorded."

9. An index of leases, labeled: "Leases—Lessees," each page divided into four columns, headed, respectively: "Names of Lessees," "Names of Lessors," "Date of Leases," "When and Where Recorded."

10. An index of marriage certificates, labeled: "Marriage Certificates—Men," each page divided into six columns, headed, respectively: "Men Married," "To Whom Married," "When Married," "By Whom Married," "Where Married," "Where Certificates are Recorded."

11. An index of marriage certificates, labeled: "Marriage Certificates—Women," each page divided into six columns, headed, respectively: "Women Married" (and under this head placing the family names of the women), "To Whom Married," "When Married," "By Whom Married," "Where Married," "Where Certificates are Recorded."

12. An index of assignments of mortgages and leases, labeled: "Assignments of Mortgages and Leases—Assignors," each page divided into five columns, headed, respectively: "Assignors," "Assignees," "Instruments Assigned," "Date of Assignment," "When and Where Recorded."

13. An index of assignments of mortgages and leases, labeled: "Assignments of Mortgages and Leases—Assignees," each page divided into five columns, headed, respectively: "Assignees," "Assignors," "Instruments Assigned," "Date of Assignment," "When and Where Recorded."

14. An index of wills, labeled: "Wills," each page divided into four columns, headed, respectively: "Names of

Testators," "Date of Wills," "Date of Probate," "When and Where Recorded."

15. An index of official bonds, labeled: "Official Bonds," each page divided into five columns, headed respectively: "Names of Officers," "Names of Offices," "Date of Bonds," "Amount of Bonds," "When and Where Recorded."

16. An index of notices of mechanics' liens, labeled: "Mechanics' Liens," each page divided into three columns, headed, respectively: "Parties Against Whom Claimed," "Parties Claiming Liens," "Notices—When and Where Recorded."

17. An index to transcripts of judgments, labeled: "Transcripts of Judgments," each page divided into seven columns, headed, respectively: "Judgment Debtors," "Judgment Creditors," "Amount of Judgments," "Where Recovered," "When Recovered," "When Transcript Filed," "When Judgment Satisfied."

18. An index of attachments, labeled: "Attachments," each page divided into six columns, headed, respectively: "Parties Against Whom Attachments are Issued," "Parties Issuing Attachments," "Notices of Attachments," "When Recorded," "Where Recorded," "When Attachments Discharged."

19. An index of notices of the pendency of actions, labeled, "Notices of Actions," each page divided into three columns, headed, respectively, "Parties to the Action," "Notices—When Recorded," "Where Recorded."

20. An index of the separate property of married women, labeled: "Separate Property," each page divided into five columns, headed, respectively: "Names of Married Women," "Names of Their Husbands," "Nature of Instruments Recorded," "When Recorded," "Where Recorded."

21. An index to the register of births and deaths.

22. Such other books of record and indices as are or may be required by law.

23. An index of decrees of distribution in probate, labeled: "Decrees of Distribution," divided into six columns, headed, respectively: "Whose Estate," "Name of Administrator," "Names of Distributees," "Date of Decree," "In What Court," "Where Recorded."

Sec. 122. The recorder must keep in his office a book, to be called "Certificates of Sales," and record therein all certificates of sales of real estate sold under execution,

or under order made in any judicial proceeding. He must also prepare an index thereto, in which, in separate columns, he must enter the names of the plaintiff in the execution, the defendant in the execution, the purchaser at the sale, and the date of the sale.

Sec. 123. The recorder must file and record with the record of deeds, grants, and transfers, certified copies of final judgments or decrees partitioning or affecting the title or possession of real property, any part of which is situate in the county of which he is recorder.

Sec. 124. Every such certified copy of partition, from the time of filing the same with the recorder for record, imparts notice to all persons of the contents thereof; and subsequent purchasers, mortgagees, and lienholders purchase and take with like notice and effect as if such copy of decree was a duly recorded deed, grant or transfer.

Sec. 125. The recorder may keep in the same volume any two or more of the indices mentioned in section one hundred and twenty-one; but the several indices must be kept distinct from each other, and the volume distinctly marked on the outside in such a way as to show all the indices kept therein. The names of the parties in the first column in the several indices must be arranged in alphabetical order, and when a conveyance is executed by a sheriff, the name of the sheriff and the party charged in the execution must both be inserted in the index; and when an instrument is recorded to which an executor, administrator, or trustee is a party, the name of such executor, administrator, or trustee, together with the name of the testator, or intestate, or party for whom the trust is held, must be inserted in the index.

Sec. 126. When any instrument, paper, or notice, authorized by law to be recorded, is deposited in the recorder's office for record, the recorder must indorse upon the same the time when it was received, noting the year, month, day, hour, and minute of its reception, the amount of fees for recording, and must record the same without delay, together with the acknowledgments, proofs, and certificates, written upon or annexed to the same, with the plats, surveys, schedule, and other papers thereto annexed, in the order in which the same were received for record, and must note at the foot of the record the exact time of

its reception, and the name of the person at whose request it was recorded.

Sec. 127. He must also indorse upon each instrument, paper, or notice the time when, the book and pages in which it is recorded, and must thereafter deliver it to the party leaving the same for record, or upon his order.

Sec. 128. It shall be the duty of the recorder, upon the payment or tender of the fees therefor, to take and certify the acknowledgment of all instruments authorized by law to be acknowledged.

Sec. 129. If any recorder to whom an instrument, proved or acknowledged according to law, or any paper or notice which may by law be recorded, is delivered for record:

1. Neglects or refuses to record such instrument, paper, or notice within a reasonable time after receiving the same; or,

2. Records any instrument, paper, or notice, willfully or negligently, untruly, or in any other manner than is hereinbefore directed; or,

3. Neglects or refuses to keep in his office such indices as are required by this article, or to make the proper entries therein; or,

4. Alters, changes, or obliterates any records deposited in his office, or inserts, any new matter therein, he is liable to the party aggrieved for three times the amount of the damages which may be occasioned thereby.

Sec. 130. He shall not record any instrument, or file any paper or notice, or furnish any copy, or render any service connected with his office, until his fees for the same, as prescribed by law, are, if demanded, paid or tendered.

Sec. 131. All books of record, maps, charts, surveys, and other papers on file in the recorder's office, must, during office hours, be open for inspection by any person, without charge; and the recorder must arrange the books of record and indices in his office in such suitable places as to facilitate their inspection.

DISTRICT ATTORNEY.

Sec. 132. The district attorney is the public prosecutor, and must:

1. Attend the courts, and conduct, on behalf of the people, all prosecutions for public offenses.

2. Institute proceedings before the magistrates for the arrest of persons charged with or reasonably suspected of public offenses, when he has information that any such offenses have been committed; and for that purpose, when not engaged in criminal proceedings in the superior court, or in civil cases on behalf of the people, must attend upon the magistrates in cases of arrest, when required by them, and attend before and give advice to the grand jury, whenever cases are presented to them for their consideration.

3. Draw all indictments and informations, defend all suits brought in his county, against the state or his county wherever brought, prosecute all recognizances forfeited in the courts of record, and all actions for the recovery of debts, fines, penalties, and forfeitures accruing to the state or his county.

4. Deliver receipts for money or property received in his official capacity, and file duplicates thereof with the county treasurer.

5. On the first Monday of each month file with the auditor an account, verified by his oath, of all moneys received by him in his official capacity during the preceding month, and at the same time pay them over to the county treasurer.

6. Give, when required, and without fee, his opinion in writing, to county, district, and township officers, on matters relating to the duties of their respective offices.

Sec. 132. The district attorney is the legal adviser of the board of supervisors. He must attend their meetings, when required, and must attend and oppose all claims and accounts against the county, when he deems them unjust and illegal.

Sec. 134. The district attorney, except for his own services, must not present any claim, account or demand for allowance against the county, nor in any way advocate the relief asked on any claim or demand made by another.

COUNTY SURVEYOR.

Sec. 135. The county surveyor must be a licensed land surveyor of the state, and must make any survey that may be required by order of court or of the board of supervisors, or upon application of any person; keep a correct and fair record of all surveys made by him, number them in the order made, and preserve a copy of the field notes and

calculations of each survey, and indorse thereon its proper number; a copy of the same, and a fair and accurate plat, together with a certificate of survey, must upon application, be furnished by him to any person, upon payment of the fees allowed by law.

Sec. 136. Any person owning or claiming lands which are divided by county lines, and wishing to have the same surveyed, may apply to the surveyor of any county in which any part of such land is situated, and on such application being made, the surveyor must make the survey, which is as valid as though the lands were situated entirely within the county.

Sec. 137. When land, the title to which is in dispute before any court, is divided by a county line, the court making an order of survey may direct the order to the surveyor of any county in which any part of the land is situated. In all surveys the courses must be expressed according to the true meridian, and the variation of the magnetic meridian from the true meridian must be expressed on the plat, with the date of the survey.

Sec. 138. Each county surveyor must, when required, aid and assist the surveyor-general in making surveys within the county. When the county surveyor is interested in any land, the title to which is in dispute, and a survey thereof is necessary, the court must direct the survey to be made by some disinterested person, and the person so appointed is for that purpose authorized to administer and certify oaths. He must return such survey, verified by his affidavit annexed thereto, and receive for his services the same fees as the county surveyor would be entitled to for similar service.

Sec. 139. The county surveyor shall copy, plat, or trace all maps filed for record in the office of the county recorder of the county for which he shall be elected, and shall be ex-officio deputy county recorder for said county for such purposes at the cost of the party filing the same for record; provided, however, that all maps and plats filed by a licensed land surveyor, and such other maps and plats as are filed and are thereby made a record, are exempt from the provisions of this act. The county surveyor shall plat, trace, blue-print, or otherwise make all county, township, road, district, and all other maps, and all assessor's block books, for the county of which he is surveyor. All

such maps which are platted, traced, blue-printed, or otherwise made as aforesaid, shall be filed in the county surveyor's office, together with all data obtained by the county surveyor from other sources, and the same thereafter shall become the property of the county.

Sec. 140. The county surveyor shall make such surveys of county roads, and perform such other engineering work as the board of supervisors may direct. All such maps and field notes of surveys shall be filed in the office of the county surveyor, and the same shall thereafter be and remain the property of the county. It shall be the duty of the county surveyor to advise the board of supervisors regarding all engineering work, and to perform such engineering work for the county as may be required by the board of supervisors.

Sec. 141. The board of supervisors of each county shall provide, for the use of the county surveyor, a suitable office, office furniture, heat, light, and care for the same, office and record books, and other necessary material, also all necessary expenses and transportation on work performed in the field. In lieu of fees, as now provided by law, the county surveyor shall receive such compensation as the board of supervisors may allow, not to exceed ten dollars per day for all work performed for the county, and in addition thereto, all necessary expenses and transportation on work performed in the field.

COUNTY CORONER.

Sec. 142. The coroner must hold inquests as prescribed by chapter two, title twelve, part two, of the Penal Code. The coroner, or other officer holding the inquest upon the body of a deceased person, may subpoena a chemist to make an analysis of the contents of the stomach or of the tissues of the body, or a physician or surgeon to inspect the body, or hold a post-mortem examination of the deceased, and give a professional opinion as to the cause of death, and shall cause the testimony given by the witness to be reduced to writing, under his direction, and may, upon the written order of the district attorney, employ a clerk or stenographer for such purpose, at the same compensation allowed to stenographers in the superior court of the county; and when such testimony is taken down by a stenographer, his transcription thereof,

duly certified to, shall constitute the deposition of such witness.

Sec. 143. When an inquest is held by the coroner, and no other person takes charge of the body of deceased, he must cause it to be decently interred; and if there is not sufficient property belonging to the estate of the deceased to pay the necessary expenses of the burial, the expenses are a legal charge against the county.

Sec. 144. It shall be the duty of the coroner of each county to keep an official register, to be labeled "Coroner's register," in which he shall enter the date of holding all inquests, the name of the deceased, when known, and when not, such description of the deceased as may be sufficient for identification; property found on the person of deceased, if any; what disposition was made of the same by the coroner; the cause of death, when known, and such other information as may pertain to the identity of the deceased.

Sec. 145. The coroner must, within thirty days after an inquest upon a dead body, deliver to the county treasurer, or the legal representatives of the deceased, any money or other property found upon the body, and at the same time file an affidavit with the treasurer, showing:

1. The amount of money or other property belonging to the estate of the deceased person which has come into his possession since his last statement.

2. The disposition made of such property.

3. If the coroner, or any justice of the peace acting as coroner, fail to deliver to the treasurer, within thirty days after any inquest upon a dead body, all money and property found upon such body, unless claimed in the mean time by the public administrator, or other legal representative of the decedent, as required by this section, the district attorney must proceed against the coroner or justice of the peace acting as coroner, to recover the same, by civil action, in the name of the county.

Sec. 146. If the office of coroner is vacant, or he is absent, or unable to attend, the duties of his office may be discharged by any justice of the peace of the county, with the like authority, and subject to the same obligations and penalties as the coroner.

Sec. 147. In the cases specified in section one hundred

and four, the coroner must discharge the duties of sheriff.

Sec. 148. The assessor must perform such duties as are prescribed in title nine, part three, of the Political Code, and such other duties as are required by law; provided, that where any salary is allowed to the assessor, by law, then where such officer is charged, or to be charged, with the making of maps or block books, he shall be allowed the actual cost of making the same, and must file with the county auditor a sworn statement, monthly, showing in detail the names of persons, and amounts paid to each for such expense, and the assessor must thereupon pay over and account to the county, or city and county, for the difference between any amount allowed for such purpose, and the amount actually expended by him therefor.

Sec. 149. The tax collector must perform such duties as are prescribed in title nine, part three, of the Political Code, and as license collector shall collect all county licenses, and shall perform such other duties as are required by law. He shall, at least once a month and oftener, in his discretion, pay the public money in his hands into the county treasury, taking the receipt of the treasurer therefor.

Sec. 150. The school superintendent must perform such duties as are prescribed in title three, part three, of the Political Code, and shall perform such other duties as are required by law.

Sec. 151. The public administrator must perform such duties as are prescribed in chapter thirteen, title eleven, part three, of the Code of Civil Procedure, and shall perform such other duties as are required by law.

Sec. 152. It shall be the duty of the public administrator to keep a book, to be labeled "Register of public administrator," in which he shall enter the name of every deceased person on whose estate he shall administer, the date of granting letters, money received, the property appraised and its value, proceeds of all sales of property, the amount of his fees, the expenses of administration, the amount of estate after all charges and expenses have been paid, the disposition of property on distribution, the date of discharge of administrator, and such other matters as may be necessary to give a full and complete history of each estate administered by him. The publication of the semi-

duly certified to, shall constitute the deposition of such witness.

Sec. 143. When an inquest is held by the coroner, and no other person takes charge of the body of deceased, he must cause it to be decently interred; and if there is not sufficient property belonging to the estate of the deceased to pay the necessary expenses of the burial, the expenses are a legal charge against the county.

Sec. 144. It shall be the duty of the coroner of each county to keep an official register, to be labeled "Coroner's register," in which he shall enter the date of holding all inquests, the name of the deceased, when known, and when not, such description of the deceased as may be sufficient for identification; property found on the person of deceased, if any; what disposition was made of the same by the coroner; the cause of death, when known, and such other information as may pertain to the identity of the deceased.

Sec. 145. The coroner must, within thirty days after an inquest upon a dead body, deliver to the county treasurer, or the legal representatives of the deceased, any money or other property found upon the body, and at the same time file an affidavit with the treasurer, showing:

1. The amount of money or other property belonging to the estate of the deceased person which has come into his possession since his last statement.

2. The disposition made of such property.

3. If the coroner, or any justice of the peace acting as coroner, fail to deliver to the treasurer, within thirty days after any inquest upon a dead body, all money and property found upon such body, unless claimed in the mean time by the public administrator, or other legal representative of the decedent, as required by this section, the district attorney must proceed against the coroner or justice of the peace acting as coroner, to recover the same, by civil action, in the name of the county.

Sec. 146. If the office of coroner is vacant, or he is absent, or unable to attend, the duties of his office may be discharged by any justice of the peace of the county, with the like authority, and subject to the same obligations and penalties as the coroner.

Sec. 147. In the cases specified in section one hundred

and four, the coroner must discharge the duties of sheriff.

Sec. 148. The assessor must perform such duties as are prescribed in title nine, part three, of the Political Code, and such other duties as are required by law; provided, that where any salary is allowed to the assessor, by law, then where such officer is charged, or to be charged, with the making of maps or block books, he shall be allowed the actual cost of making the same, and must file with the county auditor a sworn statement, monthly, showing in detail the names of persons, and amounts paid to each for such expense, and the assessor must thereupon pay over and account to the county, or city and county, for the difference between any amount allowed for such purpose, and the amount actually expended by him therefor.

Sec. 149. The tax collector must perform such duties as are prescribed in title nine, part three, of the Political Code, and as license collector shall collect all county licenses, and shall perform such other duties as are required by law. He shall, at least once a month and oftener, in his discretion, pay the public money in his hands into the county treasury, taking the receipt of the treasurer therefor.

Sec. 150. The school superintendent must perform such duties as are prescribed in title three, part three, of the Political Code, and shall perform such other duties as are required by law.

Sec. 151. The public administrator must perform such duties as are prescribed in chapter thirteen, title eleven, part three, of the Code of Civil Procedure, and shall perform such other duties as are required by law.

Sec. 152. It shall be the duty of the public administrator to keep a book, to be labeled "Register of public administrator," in which he shall enter the name of every deceased person on whose estate he shall administer, the date of granting letters, money received, the property appraised and its value, proceeds of all sales of property, the amount of his fees, the expenses of administration, the amount of estate after all charges and expenses have been paid, the disposition of property on distribution, the date of discharge of administrator, and such other matters as may be necessary to give a full and complete history of each estate administered by him. The publication of the semi-

annual report required to be made by the public administrator shall be a county charge.

Sec. 153. Constables must attend the courts of justices of the peace within their townships whenever so required, and within their counties execute, serve, and return all processes and notices directed or delivered to them by justices of the peace of such county, or by any competent authority, and shall charge and collect for their services such fees as are now or may be hereafter allowed by law.

Sec. 154. All provisions of sections eighty-eight, eighty-nine, ninety, ninety-one, ninety-two, ninety-three, ninety-four, ninety-five, ninety-six, ninety-seven, ninety-eight, ninety-nine, one hundred, one hundred and one, one hundred and two, and one hundred and three, except, the fourth and sixth subdivisions of section eighty-nine, apply to constables, and govern their powers, duties, and liabilities.

Sec. 155. Justices of the peace must perform such duties as are prescribed in title eleven, part two, of the Code of Civil Procedure, and such other duties as are prescribed by law.

Sec. 156. The salaries of officers must be paid monthly from the county salary fund of the treasury, on the warrant of the auditor.

Sec. 157. For the purpose of regulating the compensation of all officers herein provided for, the several counties of this state are hereby classified, according to their population (as ascertained and determined in section ten), as follows, to wit:

All counties containing a population of three hundred thousand and over shall belong to and be known as counties of the first class.

Counties containing a population of one hundred and fifty thousand and under three hundred thousand shall belong to and be known as counties of the second class.

Counties containing a population of one hundred thousand and under one hundred and fifty thousand shall belong to and be known as counties of the third class.

Counties containing a population of fifty thousand and under one hundred thousand shall belong to and be known as counties of the fourth class.

Counties containing a population of forty thousand and

under fifty thousand shall belong to and be known as counties of the fifth class.

Counties containing a population of thirty-eight thousand and under forty thousand shall belong to and be known as counties of the sixth class.

Counties having a population of thirty-six thousand and under thirty-eight thousand shall belong to and be known as counties of the seventh class.

Counties having a population of thirty-five thousand four hundred and under thirty-six thousand shall belong to and be known as counties of the eighth class.

Counties having a population of thirty-five thousand and under thirty-five thousand four hundred shall belong to and be known as counties of the ninth class.

Counties having a population of twenty-seven thousand four hundred and under thirty-five thousand shall belong to and be known as counties of the tenth class.

Counties having a population of twenty-seven thousand and under twenty-seven thousand four hundred shall belong to and be known as counties of the eleventh class.

Counties having a population of twenty-four thousand and under twenty-seven thousand shall belong to and be known as counties of the twelfth class.

Counties having a population of twenty-one thousand and under twenty-four thousand shall belong to and be known as counties of the thirteenth class.

Counties having a population of twenty thousand and under twenty-one thousand shall belong to and be known as counties of the fourteenth class.

Counties having a population of nineteen thousand five hundred and under twenty thousand shall belong to and be known as counties of the fifteenth class.

Counties having a population of nineteen thousand and under nineteen thousand five hundred shall belong to and be known as counties of the sixteenth class.

Counties having a population of eighteen thousand five hundred and under nineteen thousand shall belong to and be known as counties of the seventeenth class.

Counties having a population of eighteen thousand two hundred and under eighteen thousand five hundred shall belong to and be known as counties of the eighteenth class.

duly certified to, shall constitute the deposition of such witness.

Sec. 143. When an inquest is held by the coroner, and no other person takes charge of the body of deceased, he must cause it to be decently interred; and if there is not sufficient property belonging to the estate of the deceased to pay the necessary expenses of the burial, the expenses are a legal charge against the county.

Sec. 144. It shall be the duty of the coroner of each county to keep an official register, to be labeled "Coroner's register," in which he shall enter the date of holding all inquests, the name of the deceased, when known, and when not, such description of the deceased as may be sufficient for identification; property found on the person of deceased, if any; what disposition was made of the same by the coroner; the cause of death, when known, and such other information as may pertain to the identity of the deceased.

Sec. 145. The coroner must, within thirty days after an inquest upon a dead body, deliver to the county treasurer, or the legal representatives of the deceased, any money or other property found upon the body, and at the same time file an affidavit with the treasurer, showing:

1. The amount of money or other property belonging to the estate of the deceased person which has come into his possession since his last statement.

2. The disposition made of such property.

3. If the coroner, or any justice of the peace acting as coroner, fail to deliver to the treasurer, within thirty days after any inquest upon a dead body, all money and property found upon such body, unless claimed in the mean time by the public administrator, or other legal representative of the decedent, as required by this section, the district attorney must proceed against the coroner or justice of the peace acting as coroner, to recover the same, by civil action, in the name of the county.

Sec. 146. If the office of coroner is vacant, or he is absent, or unable to attend, the duties of his office may be discharged by any justice of the peace of the county, with the like authority, and subject to the same obligations and penalties as the coroner.

Sec. 147. In the cases specified in section one hundred

and four, the coroner must discharge the duties of sheriff.

Sec. 148. The assessor must perform such duties as are prescribed in title nine, part three, of the Political Code, and such other duties as are required by law; provided, that where any salary is allowed to the assessor, by law, then where such officer is charged, or to be charged, with the making of maps or block books, he shall be allowed the actual cost of making the same, and must file with the county auditor a sworn statement, monthly, showing in detail the names of persons, and amounts paid to each for such expense, and the assessor must thereupon pay over and account to the county, or city and county, for the difference between any amount allowed for such purpose, and the amount actually expended by him therefor.

Sec. 149. The tax collector must perform such duties as are prescribed in title nine, part three, of the Political Code, and as license collector shall collect all county licenses, and shall perform such other duties as are required by law. He shall, at least once a month and oftener, in his discretion, pay the public money in his hands into the county treasury, taking the receipt of the treasurer therefor.

Sec. 150. The school superintendent must perform such duties as are prescribed in title three, part three, of the Political Code, and shall perform such other duties as are required by law.

Sec. 151. The public administrator must perform such duties as are prescribed in chapter thirteen, title eleven, part three, of the Code of Civil Procedure, and shall perform such other duties as are required by law.

Sec. 152. It shall be the duty of the public administrator to keep a book, to be labeled "Register of public administrator," in which he shall enter the name of every deceased person on whose estate he shall administer, the date of granting letters, money received, the property appraised and its value, proceeds of all sales of property, the amount of his fees, the expenses of administration, the amount of estate after all charges and expenses have been paid, the disposition of property on distribution, the date of discharge of administrator, and such other matters as may be necessary to give a full and complete history of each estate administered by him. The publication of the semi-

annual report required to be made by the public administrator shall be a county charge.

Sec. 153. Constables must attend the courts of justices of the peace within their townships whenever so required, and within their counties execute, serve, and return all processes and notices directed or delivered to them by justices of the peace of such county, or by any competent authority, and shall charge and collect for their services such fees as are now or may be hereafter allowed by law.

Sec. 154. All provisions of sections eighty-eight, eighty-nine, ninety, ninety-one, ninety-two, ninety-three, ninety-four, ninety-five, ninety-six, ninety-seven, ninety-eight, ninety-nine, one hundred, one hundred and one, one hundred and two, and one hundred and three, except, the fourth and sixth subdivisions of section eighty-nine, apply to constables, and govern their powers, duties, and liabilities.

Sec. 155. Justices of the peace must perform such duties as are prescribed in title eleven, part two, of the Code of Civil Procedure, and such other duties as are prescribed by law.

Sec. 156. The salaries of officers must be paid monthly from the county salary fund of the treasury, on the warrant of the auditor.

Sec. 157. For the purpose of regulating the compensation of all officers herein provided for, the several counties of this state are hereby classified, according to their population (as ascertained and determined in section ten), as follows, to wit:

All counties containing a population of three hundred thousand and over shall belong to and be known as counties of the first class.

Counties containing a population of one hundred and fifty thousand and under three hundred thousand shall belong to and be known as counties of the second class.

Counties containing a population of one hundred thousand and under one hundred and fifty thousand shall belong to and be known as counties of the third class.

Counties containing a population of fifty thousand and under one hundred thousand shall belong to and be known as counties of the fourth class.

Counties containing a population of forty thousand and

under fifty thousand shall belong to and be known as counties of the fifth class.

Counties containing a population of thirty-eight thousand and under forty thousand shall belong to and be known as counties of the sixth class.

Counties having a population of thirty-six thousand and under thirty-eight thousand shall belong to and be known as counties of the seventh class.

Counties having a population of thirty-five thousand four hundred and under thirty-six thousand shall belong to and be known as counties of the eighth class.

Counties having a population of thirty-five thousand and under thirty-five thousand four hundred shall belong to and be known as counties of the ninth class.

Counties having a population of twenty-seven thousand four hundred and under thirty-five thousand shall belong to and be known as counties of the tenth class.

Counties having a population of twenty-seven thousand and under twenty-seven thousand four hundred shall belong to and be known as counties of the eleventh class.

Counties having a population of twenty-four thousand and under twenty-seven thousand shall belong to and be known as counties of the twelfth class.

Counties having a population of twenty-one thousand and under twenty-four thousand shall belong to and be known as counties of the thirteenth class.

Counties having a population of twenty thousand and under twenty-one thousand shall belong to and be known as counties of the fourteenth class.

Counties having a population of nineteen thousand five hundred and under twenty thousand shall belong to and be known as counties of the fifteenth class.

Counties having a population of nineteen thousand and under nineteen thousand five hundred shall belong to and be known as counties of the sixteenth class.

Counties having a population of eighteen thousand five hundred and under nineteen thousand shall belong to and be known as counties of the seventeenth class.

Counties having a population of eighteen thousand two hundred and under eighteen thousand five hundred shall belong to and be known as counties of the eighteenth class.

Counties having a population of eighteen thousand and under eighteen thousand two hundred shall belong to and be known as counties of the nineteenth class.

Counties having a population of seventeen thousand eight hundred and under eighteen thousand shall belong to and be known as counties of the twentieth class.

Counties having a population of seventeen thousand five hundred and under seventeen thousand eight hundred shall belong to and be known as counties of the twenty-first class.

Counties having a population of seventeen thousand three hundred and under seventeen thousand five hundred and fifty shall belong to and be known as counties of the twenty-second class.

Counties having a population of seventeen thousand and under seventeen thousand three hundred shall belong to and be known as counties of the twenty-third class.

Counties having a population of sixteen thousand seven hundred and fifty and under seventeen thousand shall belong to and be known as counties of the twenty-fourth class.

Counties having a population of sixteen thousand five hundred and under sixteen thousand seven hundred and fifty shall belong to and be known as counties of the twenty-fifth class.

Counties having a population of sixteen thousand four hundred and seventy-five and under sixteen thousand five hundred shall belong to and be known as counties of the twenty-sixth class.

Counties having a population of sixteen thousand and under sixteen thousand four hundred and seventy-five shall belong to and be known as counties of the twenty-seventh class.

Counties having a population of fifteen thousand seven hundred and fifty and under sixteen thousand shall belong to and be known as counties of the twenty-eighth class.

Counties having a population of fifteen thousand and under fifteen thousand seven hundred and fifty shall belong to and be known as counties of the twenty-ninth class.

Counties having a population of fourteen thousand and under fifteen thousand shall belong to and be known as counties of the thirtieth class.

Counties having a population of thirteen thousand and under fourteen thousand shall belong to and be known as counties of the thirty-first class.

Counties having a population of twelve thousand and under thirteen thousand shall belong to and be known as counties of the thirty-second class.

Counties having a population of eleven thousand one hundred and seventy-five and under twelve thousand one hundred shall belong to and be known as counties of the thirty-third class.

Counties having a population of eleven thousand one hundred and fifty and under eleven thousand one hundred and seventy-five shall belong to and be known as counties of the thirty-fourth class.

Counties having a population of eleven thousand and under eleven thousand one hundred and fifty shall belong to and be known as counties of the thirty-fifth class.

Counties having a population of ten thousand and under eleven thousand shall belong to and be known as counties of the thirty-sixth class.

Counties having a population of nine thousand seven hundred and fifty and under ten thousand shall belong to and be known as counties of the thirty-seventh class.

Counties having a population of nine thousand five hundred and under nine thousand seven hundred and fifty shall belong to and be known as counties of the thirty-eighth class.

Counties having a population of nine thousand and under nine thousand five hundred shall belong to and be known as counties of the thirty-ninth class.

Counties having a population of eight thousand seven hundred and fifty and under nine thousand shall belong to and be known as counties of the fortieth class.

Counties having a population of eight thousand and under eight thousand seven hundred and fifty shall belong to and be known as counties of the forty-first class.

Counties having a population of seven thousand and under eight thousand shall belong to and be known as counties of the forty-second class.

Counties having a population of six thousand five hundred and under seven thousand shall belong to and be known as counties of the forty-third class.

Counties having a population of six thousand two hundred and fifty and under six thousand five hundred shall belong to and be known as counties of the forty-fourth class.

Counties having a population of six thousand and under six thousand two hundred and fifty shall belong to and be known as counties of the forty-fifth class.

Counties having a population of five thousand five hundred and under six thousand shall belong to and be known as counties of the forty-sixth class.

Counties having a population of five thousand one hundred and under five thousand five hundred shall belong to and be known as counties of the forty-seventh class.

Counties having a population of five thousand and under five thousand one hundred shall belong to and be known as counties of the forty-eighth class.

Counties having a population of four thousand seven hundred and under five thousand shall belong to and be known as counties of the forty-ninth class.

Counties having a population of four thousand six hundred and under four thousand seven hundred shall belong to and be known as counties of the fiftieth class.

Counties having a population of four thousand five hundred and under four thousand six hundred shall belong to and be known as counties of the fifty-first class.

Counties having a population of four thousand three hundred and eighty and under four thousand five hundred shall belong to and be known as counties of the fifty-second class.

Counties having a population of four thousand two hundred and under four thousand three hundred and eighty shall belong to and be known as counties of the fifty-third class.

Counties having a population of four thousand and under four thousand two hundred shall belong to and be known as counties of the fifty-fourth class.

Counties having a population of two thousand two hundred and under four thousand shall belong to and be known as counties of the fifty-fifth class.

Counties having a population of two thousand and under two thousand two hundred shall belong to and be known as counties of the fifty-sixth class.

Counties having a population of under two thousand shall belong to and be known as counties of the fifty-seventh class. [Amendment approved March 23, 1901; Stats. 1901, 687; in effect 12 M. on first Monday after January 1, 1903.]

Sec. 158. In counties of the first class the officers shall receive, as compensation for the services required of them by law, or by virtue of their office, the salaries and fees fixed by law as compensation; provided, that this shall not be construed as adding any additional compensation to any officer; provided, however, that the sheriff shall also be allowed mileage for the service of any paper required by law to be served, at the rate of fifteen cents per mile for one way only, to be paid by the person requiring such service.

Sec. 159. In counties of the second class the county and township officers shall receive, as compensation for the services required of them by law, the following salaries, to wit:

1. The county clerk, three thousand six hundred dollars per annum; provided, that in counties of this class there shall be and there hereby is allowed to the county clerk the following clerks and deputies, who shall be appointed by the county clerk, and shall be paid salaries as follows: One chief deputy, at a salary of one hundred and thirty-five dollars per month; two registry clerks, at a salary of one hundred and twenty-five dollars each per month; one clerk of the board of supervisors, at a salary of one hundred and twenty-five dollars per month, and six court-room clerks, at a salary of one hundred and fifteen dollars each per month; one recording clerk, one file clerk, one index clerk, one clerk in charge of criminal records; two miscellaneous clerks and one assistant clerk of the board of supervisors, at a salary of one hundred dollars each per month; four clerks at a salary of ninety dollars each per month; one deputy, at a salary of twenty-five dollars per month; six clerks, at a salary of seventy dollars each per month, for not exceeding one month for any one year. The salaries of the deputies and clerks herein provided for shall be paid by said county in monthly installments, at the same time, and in the same manner, and out of the same fund as the salary of the county clerk is paid.

2. The sheriff, four thousand dollars per annum; pro-

vided, that in the counties of this class there shall be and there is hereby allowed to the sheriff an under-sheriff and the following deputies and stenographers, who shall be appointed by the sheriff of said county, and shall be paid salaries as follows: One under-sheriff, at a salary of one hundred and thirty-five dollars per month; one bookkeeper, at a salary of one hundred and twenty-five dollars per month; ten deputies, at a salary of one hundred dollars each per month; six court deputies, at a salary of ninety dollars each per month; four jail deputies, at a salary of seventy dollars each per month; and one deputy, at a salary of eighty dollars per month; one jail matron, at a salary of fifty dollars per month; one stenographer, at a salary of seventy-five dollars per month. The salaries of the under-sheriff, and all deputies and stenographers herein provided for, shall be paid by said county in monthly installments, at the same time, and in the manner, and out of the same fund that the salary of the sheriff is paid. The sheriff shall also receive the amount of money necessarily expended by him in serving all processes and notices, and the same shall be charged against the county, and allowed as such by the board of supervisors, and paid as other county charges are paid. In case of sale of property on foreclosure of mortgage or on execution, the sheriff shall be entitled to receive all necessary expenses of keeping the property and of advertising the sale.

3. The recorder, three thousand six hundred dollars per annum; provided, that in counties of this class there shall be and there hereby is allowed the recorder the following deputies and copyists, who shall be appointed by the recorder of said county and shall be paid salaries as follows: One chief deputy, at a salary of one hundred and thirty-five dollars per month; two deputies at a salary of one hundred dollars each per month; four deputies, at a salary of ninety dollars each per month; six deputies, at a salary of eighty dollars each per month; two deputies, at a salary of eighty dollars each per month, not to exceed six months in any one year; and as many copyists as may be required, who shall receive as compensation for their services the sum of seven cents per folio for recording any instrument and notice, except maps or plats; for copies of any record or paper, seven cents per folio. The salaries and compensation of all deputies and copyists, herein pro-

vided for, shall be paid by said county in monthly installments, at the same time, and in the same manner, and out of the same fund as the salary of the county recorder is paid.

4. The auditor, three thousand six hundred dollars per annum; provided, that in counties of this class there shall be and there is hereby allowed to the auditor the following deputies and clerks, who shall be appointed by the auditor, and who shall be paid salaries as follows: One chief deputy, at a salary of one hundred and thirty-five dollars per month; one deputy at a salary of one hundred and twenty-five dollars per month; two deputies at a salary of one hundred and ten dollars each per month; four deputies, at a salary of ninety dollars each per month; and forty clerks, at a salary of seventy-five dollars each per month, not to exceed one month each in any one year, and such additional assistance as the auditor may require, and whose compensation in the aggregate shall not exceed the sum of one thousand two hundred and fifty dollars in any one year. The salaries of the chief deputy, deputies, and clerks herein provided for shall be paid by the county in monthly installments, at the same time, in the same manner, and out of the same funds as the salary of the auditor.

5. The treasurer, three thousand six hundred dollars per annum; provided, that in counties of this class there shall be and hereby is allowed to the treasurer one chief deputy, who shall be appointed by the treasurer, and shall be paid a salary of one hundred and thirty-five dollars per month; one deputy, at a salary of one hundred and fifteen dollars per month, and one deputy at a salary of one hundred dollars per month. The salaries of the deputies herein provided for shall be paid by said county in monthly installments, at the same time, in the same manner, and out of the same fund as the salary of the treasurer.

6. The tax collector, three thousand six hundred dollars per annum, which shall be full compensation for all services rendered by him; provided, that in counties of this class there shall be and there hereby is allowed to the tax collector the following deputies and clerks, who shall be appointed by the tax collector, and shall be paid salaries as follows: One chief deputy, at a salary of one hundred and thirty-five dollars per month; one report clerk, at a

salary of one hundred and ten dollars per month; one cashier, one report clerk, one deputy, at a salary of one hundred dollars each per month; one corresponding clerk, at a salary of one hundred dollars per month; one license clerk, at a salary of ninety dollars per month, and two license inspectors, at a salary of eighty dollars each per month; five clerks, at a salary of eighty dollars each per month; one clerk, at a salary of ninety dollars per month, not to exceed four months in any one year; thirty-two clerks, at a salary of seventy-five dollars each per month, not to exceed four months each in any one year. There is also allowed not to exceed four hundred dollars for traveling expenses for the license tax collector each year. The salaries of the chief deputy and all clerks and deputies herein provided for shall be paid by said county in monthly installments, at the same time, and in the same manner, and out of the same fund as the salary of the tax collector.

7. The district attorney, four thousand dollars per annum; provided, that in counties of this class there shall be and there hereby is allowed to the district attorney the following deputies and employees, who shall be appointed by the district attorney of said county, and shall be paid salaries as follows: One chief deputy, at a salary of one hundred and seventy-five dollars per month; six deputies, at a salary of one hundred and fifty dollars each per month; one stenographer, at a salary of one hundred dollars per month; and one detective, at a salary of one hundred dollars per month, who shall assist the district attorney in the detection of crime and the prosecution of criminal cases; provided further, that nothing herein contained shall be construed to prevent the board of supervisors of said counties of this class from employing special counsel when, in the judgment of said board, the interests of said county require it. The salaries of the deputies, stenographer, special counsel and detective herein provided for shall be paid by the county in monthly installments, at the same time and in the same manner and out of the same fund as the salary of the district attorney.

8. The assessor, three thousand six hundred dollars per annum, which shall be full compensation for all services rendered by him; provided, that in counties of this class there shall be and hereby is allowed to the assessor the

following deputies and clerks who shall be appointed by the assessor, and shall be paid salaries as follows: One chief deputy at one hundred and thirty-five dollars per month; two deputies at a salary of one hundred and fifteen dollars each per month; seven clerks at a salary of ninety dollars each per month; twenty field deputies for not exceeding one month in any one year at a salary of one hundred dollars each per month; twenty-five field deputies for not exceeding three months in any one year, at a salary of ninety dollars each per month; fifteen field deputies for not exceeding two months in any one year, at a salary of one hundred dollars each per month; five field deputies for not exceeding three months in any one year, at a salary of one hundred dollars each per month; five field deputies for not exceeding four months in any one year, at a salary of ninety dollars each per month; nine deputies for not exceeding four months in any one year, at a salary of ninety dollars each per month; five copyists for not to exceed two months in any one year, at a salary of sixty dollars each per month; fifteen copyists for not to exceed three months in any one year, at a salary of sixty dollars each per month; one stenographer at a salary of seventy-five dollars per month. The salaries of the deputies, stenographer, clerks and copyists herein provided for shall be paid by said county in monthly installments, at the same time, and in the same manner, and out of the same fund as the salary of the county assessor is paid. It is hereby further provided, that in counties of this class, the assessors shall receive no commission for his collection of taxes on personal property, nor shall such assessor receive any compensation or commission for the collection of poll taxes or road poll taxes, nor shall the said assessor receive any compensation for making out the military roll of persons returned to him as subject to military duty, as provided by section nineteen hundred and one of the Political Code; provided, however, that fifteen per cent of all moneys collected by him for poll taxes and road poll taxes shall be allowed to such counties on their settlement with the state, and be and remain the property of such counties.

§. The coroner, three thousand dollars per year and his actual necessary expenses in traveling outside of the county seat. He must hold inquests as prescribed by chapter two, title twelve, part two of the Penal Code,

except that he may in his discretion dispense with a jury. The coroner or other officer holding an inquest upon the body of a deceased person, may subpoena a physician or surgeon to inspect the body, or chemist to make an analysis of the contents of the stomach or tissues of the body, or hold a post-mortem examination of the deceased, and give his professional opinion as to the cause of death. The coroner, in counties of this class shall be and is hereby allowed the following assistants: One stenographer, at a salary of two hundred dollars per month, who shall, when directed by the coroner take down in shorthand the testimony of witnesses at inquests, and under the direction of the coroner transcribe the same into long-hand, and file a certified copy thereof with the county clerk, and the coroner may also appoint such stenographer as his deputy; one clerk at a salary of eighty dollars per month, who shall also act as messenger, and perform such other duties as the coroner may direct. The salaries of the stenographer and clerk herein provided shall be paid by the county in the same manner, and at the same time and out of the same fund as the coroner.

10. The public administrator, three thousand dollars per annum; provided, that in counties of this class there shall be and there is hereby allowed to the public administrator one clerk, at a salary of eighty dollars per month, and the salary of said clerk shall be paid by the county in the same manner, and at the same time, and out of the same fund as the salary of the public administrator.

11. The superintendent of schools, three thousand dollars per annum, which shall be in full for all services, including attendants upon the board of education, and actual necessary traveling expenses not to exceed five dollars each for every school district in the county; provided, that in counties of this class, there shall be, and there hereby is allowed to the superintendent of schools one assistant, who shall be the chief deputy, one clerk and two deputies, who shall be appointed by the superintendent of schools of said county, and shall be paid salaries as follows: One assistant, at a salary of one hundred and thirty-five dollars per month; one deputy, at a salary of one hundred dollars per month; one deputy at a salary of ninety dollars per month; one clerk at a salary of seventy-five dollars per month. The salaries of

the assistant clerks and deputies herein provided for shall be paid by the county in the same manner, and at the same time, and out of the same fund, as the superintendent of schools is paid.

12. The health officer, one thousand two hundred dollars per annum, and special health officers, when appointed as in this act provided, ten dollars each per day; provided, that not more than five hundred dollars per annum shall be paid or expended in any one year in payment of special health officers. The salary of the health officer and special health officers shall be paid by the county in the same manner and at the same time, as other county officers are paid.

12½. Each member of the county board of education, except the secretary thereof, five dollars for each session of the board attended, not exceeding a total of four hundred dollars to any member in one year. In addition, each member shall be entitled to mileage at the rate of ten cents per mile, for one way only, while attending the regular sessions. Said compensation of the members of the board of education shall be payable monthly and out of the same funds, and in the same manner as the salary of the county superintendent of schools is paid. Said compensation shall be in full payment for all services rendered.

13. The surveyor, thirty-six hundred dollars per annum, and in addition thereto all necessary expenses and transportation for work performed in the field; provided, that in counties of this class there shall be and there hereby is allowed to the surveyor one chief deputy and nine draftsmen, who shall be appointed by the surveyor of said county and shall be paid salaries as follows: One chief deputy at a salary of one hundred and fifty dollars per month; three draftsmen at a salary of one hundred and twenty-five dollars each per month; three draftsmen at a salary of one hundred dollars each per month; three draftsmen at a salary of seventy-five dollars each per month. The salaries of said surveyor and said chief deputy and draftsmen herein provided for shall be paid by said county in monthly installments at the same time and in the same manner as the deputies of other county officers are paid.

14. Supervisors, one thousand eight hundred dollars per

annum, together with mileage at the rate of ten cents per mile for each mile actually traveled by them in the discharge of their duties, either as road commissioners or supervisors, not exceeding in the aggregate five hundred dollars each per annum. They shall also receive their necessary expenses when attending meetings at the state board of equalization.

15. Justices of the peace, such fees as are now or may be hereafter allowed by law; provided, that no justice of the peace shall receive more than one thousand five hundred dollars per annum, which may be paid in monthly installments of not exceeding one hundred and twenty-five dollars per month, for all services rendered by him in criminal cases, or in actions or proceedings to which the people of the state of California are or may be parties; and no claim of any such justice of the peace in excess of said sum of one thousand five hundred dollars per annum, or the installments thereof, as aforesaid shall be allowed or paid; but all fines and fees collected by every such justice on the account aforesaid shall belong to and be the property of the county in which such justice exercises his jurisdiction. And each of such justices shall report, under oath, on the first Monday of each month, to the board of supervisors of such county, the amount of all fines and fees collected by him, on the account aforesaid, during the preceding month, and shall, on said date, deposit with the county treasurer, to the credit of the county, all such fines and fees as may be shown by said report to have been collected by him. He shall also transmit the treasurer's receipt for said payment to said board, with their said report; provided further, that the boards of supervisors of such counties may, in townships having a population of more than thirty-five thousand, provide such justices, or any of them, with an office and the necessary furniture and supplies for the justices' court; and provided further, that the boards of supervisors in said counties and in townships having more than thirty-five thousand inhabitants, shall, upon the recommendation of the township justice or justices, appoint a clerk for the justices court, which clerk shall hold office for the term of two years from and after his appointment, and shall receive a salary of one hundred dollars per month, payable in like manner, at like times and out of the same fund as county

officers are paid by the county; said clerk shall take and file an oath of office in like manner as county officers, and after being appointed and qualifying as hereinbefore prescribed, shall have power to administer and certify oaths to affidavits, and all papers, documents, or instruments used in or in connection with the actions and proceedings of such justices court. Such clerk shall perform such other clerical service as may be required of him by the justice or justices.

16. Constables; such fees as are now or may hereafter be allowed by law; provided, that no constable shall receive more than one thousand two hundred dollars per annum, which may be paid in monthly installments of not exceeding one hundred dollars per month, for all services rendered by him in all criminal cases or in actions or proceedings to which the people of the state of California are, or may be, made parties; and all fees collected by such constable on account of services rendered in criminal cases or proceedings, to which the people of the state of California are parties, shall belong to and be the property of the county in which said constable has been elected or appointed; provided further, that the constable shall be allowed the actual fare and expenses incurred in transporting prisoners to the county jail; and provided further, that in counties of this class and in townships having more than thirty-five thousand inhabitants, they [there] shall be, and there is hereby allowed to such constable one deputy who shall be appointed by the constable, and shall receive a salary of seventy-five dollars per month, payable in like manner and at like times, and out of the same fund as the county officers are paid by the county; said deputy shall take and file an oath of office in like manner as county officers. Each constable shall report under oath on the first Monday of each month to the board of supervisors at such county the amount of all fees collected by him for all services rendered in all criminal cases, or in actions or proceedings to which the people of the state of California are, or may be made parties, during the preceding month, and shall, on said date deposit with the county treasurer to the credit of the county all such fees as may be shown by said report to have been collected by him on the account of the aforesaid. He shall also transmit the treasurer's receipt for

said payment to said board with said report. [Amendment approved March 18, 1903; Stats. 1903, 179; in effect immediately.]

Sec. 160. In counties of the third class the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries:

1. The county clerk, four thousand (\$4,000) dollars per annum; provided, that in counties of this class there shall be and there hereby is allowed to the county clerk one chief deputy, whose salary is hereby fixed at the sum of eighteen hundred (\$1,800) dollars per annum; four courtroom deputies, whose salaries are hereby fixed at the sum of fifteen hundred (\$1,500) dollars per annum each; one deputy, whose salary is hereby fixed at the sum of fifteen hundred (\$1,500) dollars per annum; two deputies, whose salaries are hereby fixed at the sum of twelve hundred (\$1,200) dollars per annum each; one deputy, whose salary is hereby fixed at the sum of nine hundred (\$900) dollars per annum, and one copyist, whose salary is hereby fixed at the sum of nine hundred (\$900) dollars per annum; the chief deputy, eight deputies, and one copyist herein provided for shall be appointed by the clerk of said county, and their salaries shall be paid by said county in equal monthly installments at the same time and in the same manner and out of the same fund as is the salary of county clerk; provided further, that in such years as the compilation of a great register of voters is required by law to be made, the county clerk, in counties of this class, shall be and he is hereby allowed the following additional help: One clerk for a period of and not exceeding six months, whose salary is hereby fixed at one hundred and twenty-five (\$125) dollars per month; four clerks, for a period of and not exceeding four months, whose salaries are hereby fixed at one hundred (\$100) dollars each per month. Such clerks shall be appointed by the county clerk of such counties and during their respective periods of employment their salaries shall be paid by such county in equal monthly installments at the same time and in the same manner and out of the same fund as is the salary of the county clerk of such counties.

2. The sheriff, four thousand (\$4,000) dollars per annum; provided, that there shall be and hereby is allowed

to the sheriff one under-sheriff, whose salary is hereby fixed at the sum of two thousand four hundred (\$2,400) dollars per annum; one chief jailer, whose salary is hereby fixed at the sum of fifteen hundred (\$1,500) dollars per annum; two assistant jailers, whose salaries are hereby fixed at the sum of twelve hundred (\$1,200) dollars per annum each; five deputies, whose salaries are hereby fixed at the sum of twelve hundred dollars per annum each, and a jail matron, whose salary is hereby fixed at six hundred dollars per annum; the under-sheriff, chief jailer, assistant jailers and five deputies herein provided for shall be appointed by the sheriff of said county, and the jail matron shall be appointed by the sheriff; provided, that for the period prior to twelve o'clock meridian on the first Monday after the first day of January, nineteen hundred and three, said matron shall be appointed by the board of supervisors, and as to said office and appointment this subdivision shall take effect immediately; and their salaries shall be paid by said county in equal monthly installments, at the same time and in the same manner and out of the same fund as the salary of the sheriff; provided, that in counties of this class the sheriff shall be allowed no compensation or profit for feeding prisoners in the county jail, but that he shall file, monthly, with the county auditor, a verified statement, showing the names of persons and amounts paid to each for expense of feeding such prisoners, and the sheriff shall thereupon pay over to the county treasurer, for the use of the county, any difference between the amount allowed for such purpose by the supervisors and the amount actually expended by him therefor. The sheriff shall also receive the amount of money necessarily expended by him in serving all process and notices, and all expenses necessarily incurred by him in the pursuit of criminals within his county, and the same shall be a charge against the county, and allowed as such by the board of supervisors, and paid as other county charges are paid.

3. The recorder four thousand dollars per annum; provided, that in counties of this class there shall be and there hereby is allowed to the recorder the following deputies and copyists, who shall be appointed by the recorder of said county, and shall be paid salaries and compensation as follows: One chief deputy, at a salary of

eighteen hundred dollars per annum; one index deputy whose salary is hereby fixed at fifteen hundred dollars per annum; two deputies, whose salaries are hereby fixed at the sum of twelve hundred dollars per annum each, and one mortgage deputy, whose salary is hereby fixed at twelve hundred dollars per annum; provided further, that the chief deputy, index deputy, two deputies, and one mortgage deputy herein provided for shall be appointed by the recorder of said county, and their salaries shall be paid by said county in equal monthly installments at the same time and in the same manner and out of the same fund as the salary of the recorder; provided further, that in counties of this class the recorder shall be entitled to the actual cost incurred by him for the recording of all papers and documents in his office not exceeding six and one half cents per folio for each paper or document so recorded; and provided further, that said recorder shall file monthly, with the county auditor, a verified statement, showing in detail the persons and the amounts paid to each for such recording.

4. The auditor, thirty-six hundred dollars per annum; provided, that in counties of this class there shall be and hereby is allowed to the auditor one chief deputy, who shall be appointed by the auditor of said county, and whose salary is hereby fixed at the sum of eighteen hundred dollars per annum; one deputy, who shall be appointed by the auditor of such county, and whose salary is hereby fixed at the sum of twelve hundred dollars per annum; one clerk, whose salary is hereby fixed at the sum of nine hundred dollars per annum, and such additional assistance as the auditor may appoint, and whose compensation shall not in the aggregate exceed the sum of five hundred dollars per annum; and provided, that the auditor shall file with the county clerk a verified statement, showing in detail the amounts paid, and the persons to whom said compensation is paid, for such extra assistance as aforesaid. The salaries herein provided for shall be paid by the said county in equal monthly installments, at the same time and in the same manner, and out of the same fund as the salary of the auditor.

5. The treasurer, three thousand six hundred dollars per annum; provided, that in counties of this class there shall be and hereby is allowed to the treasurer one chief

deputy, whose salary is hereby fixed at the sum of eighteen hundred dollars per annum, and one deputy, whose salary is hereby fixed at the sum of twelve hundred dollars per annum, which sums shall be paid by said county in equal monthly installments, at the same time, and in the same manner, and out of the same fund as the salary of the treasurer; provided, that the chief deputy and the deputy herein provided for, shall be appointed by the treasurer of such counties.

6. The tax collector, three thousand dollars per annum; provided, that in counties of this class there shall be and there hereby is allowed to the tax collector one chief deputy, whose salary is hereby fixed at the sum of eighteen hundred dollars per annum, and two deputies, whose salaries are hereby fixed at the sum of twelve hundred dollars each per annum; provided further, that there shall be and there hereby is allowed to the tax collector one extra deputy for the month of April of each year, whose salary shall be one hundred dollars for such month, and three extra deputies for the month of July of each year, whose salaries shall be one hundred dollars each for such month, and five extra deputies for the month of August of each year, whose salaries shall be one hundred dollars each for such month, and six extra deputies for the month of September of each year, whose salaries shall be one hundred dollars each for such month, and seven extra deputies for the month of October of each year, whose salaries shall be one hundred dollars each for such month, and nine extra deputies for the month of November of each year, whose salaries shall be one hundred dollars each for such month; provided further, that the chief deputy, and all other deputies herein provided for, shall be appointed by the tax collector of said county, and the salaries of said chief deputy and all other deputies herein provided for shall be paid by said county, during the time which they shall hold office, as herein provided, at the same time and in the same manner and out of the same fund as the salary of the tax collector.

7. The license collector shall receive fifteen per cent of all licenses collected by him.

8. The assessor, four thousand dollars per annum; provided, that in counties of this class there shall be and there hereby is allowed to the assessor the following

deputies, who shall be appointed by the assessor and shall be paid salaries as follows: One chief deputy assessor, at eighteen hundred dollars per annum; one deputy assessor, at fifteen hundred dollars per annum; one mortgage deputy assessor, at twelve hundred dollars per annum, and one transfer deputy assessor, at a salary of twelve hundred dollars per annum; six field deputy assessors for not exceeding four months in any one year, at one hundred dollars each per month; seven outside field deputy assessors for not exceeding four months in any one year, at a salary of one hundred and twenty-five dollars each per month; one cashier for not exceeding six months in any one year, at a salary of one hundred and twenty-five dollars per month; eight copyists for not exceeding four months in any one year, at a salary of one hundred dollars each per month; five extra deputy assessors for not exceeding four months in any one year, at a salary of one hundred dollars each per month, and such additional assistance as the assessor may appoint and whose compensation shall not in the aggregate exceed the sum of three thousand dollars per annum; and provided, that the assessor shall file with the county auditor a verified statement showing in detail the amounts paid and the persons to whom such compensation is paid for such extra assistance, as aforesaid. The salaries herein provided for shall be paid by the said county in monthly installments, at the same time and in the same manner and out of the same fund as the salary of the assessor is paid; it is hereby further provided, that in counties of this class the assessor shall receive no commission for his collection of taxes on personal property, nor shall such assessor receive any compensation or commission for the collection of poll taxes or road poll taxes, nor shall the said assessor receive any compensation for making out the military roll of persons returned by him as subject to military duty as provided by section nineteen hundred and one of the Political Code; provided, however, that should the assessor be directed by any law, or by any order of the board of supervisors, or by any municipality within said counties of the third class, to prepare maps, plats, block books for the use of the county, or assessment rolls for the use of any municipality, then said assessor shall make such maps, plats, block books, or assessment

rolls but shall only receive the actual cost by him incurred in making or preparing such maps, plats, block books, or assessment rolls; and provided further, that he shall file with the county auditor a sworn statement showing the persons to whom, and the amounts paid to each, for such maps, plats, block books, or any such assessment rolls, and that he shall account forthwith and pay over to the county any difference between such cost and the amount so allowed by him for such work.

9. The district attorney, four thousand dollars per annum; provided, that in counties of this class there shall be and there hereby is allowed to the district attorney one chief deputy district attorney, whose salary is hereby fixed at two thousand dollars per annum; three deputy district attorneys, whose salaries are hereby fixed at fifteen hundred dollars per annum each, and one clerk, whose salary is hereby fixed at the sum of twelve hundred dollars per annum; provided further, that the chief deputy district attorney, and three deputy district attorneys, and clerk shall be appointed by the district attorney, and their salaries shall be paid by said county in equal monthly instalments at the same time and in the same manner and out of the same fund as the salary of the district attorney.

10. The coroner, such fees as are now or may hereafter be allowed by law; provided, that the coroner shall be paid by such counties in the same manner and out of the same fund as such fees are now paid, the sum of two dollars for each certificate of the cause of death made by him.

11. The public administrator, such fees as are now or may hereafter be allowed by law.

12. The county superintendent of schools, three thousand dollars per annum; provided, that in counties of this class there shall be and hereby is allowed to the county superintendent of schools, one assistant superintendent of schools, and one deputy, who shall be appointed by the county superintendent of schools of said county and whose salaries shall be as follows: The salary of the assistant shall be one hundred dollars per month, that of the deputy shall be seventy-five dollars per month. These salaries shall be paid out of the same fund and in the same manner as the salary of the county superintendent of schools is paid.

13. The surveyor shall receive ten dollars per day for all work performed for the county, and in addition thereto all necessary expenses and transportation for work performed in the field; provided, that whenever the surveyor is directed or charged to make, plat, trace, or otherwise prepare maps, plats, or block books for the use of the county, city and county, or any municipality within such county, then such county surveyor shall only be allowed, in addition to the actual cost and expense of making, platting, tracing, or otherwise preparing such maps, plats, or block books, a compensation to be determined by the board of supervisors, not exceeding the sum of ten dollars per day while he is actually so employed; and provided further, that such county surveyor shall file with the county auditor a sworn statement, showing in detail the amounts so paid, and the persons to whom such amounts have been so paid for such expense as aforesaid.

14. Justices of the peace shall receive the following monthly salaries, to be paid each month, and in the same manner and out of the same fund as other county officers are paid, which shall be in full for all services rendered by them in criminal cases: In townships having a population of more than twenty-five thousand, two hundred and twenty-five dollars; in townships having a population of more than nineteen thousand and less than twenty-five thousand, one hundred and thirty-five dollars; in townships having a population of fifteen thousand and less than nineteen thousand, one hundred and fifteen dollars; in townships having a population of one thousand and less than fifteen thousand, seventy-five dollars. In addition to the compensation received in criminal cases each justice of the peace may receive and retain for his own use such fees as are now or may hereafter be allowed by law for all services performed by him in civil actions; provided, that in townships containing a population of more than twenty-five thousand there shall be but one justice in and for such townships. Each justice of the peace must keep a book, open for the inspection of the public, during office hours, in which must be entered at once and in detail the amount of all fines collected by him in criminal cases, and on the first Monday of each and every month he must pay such fines so collected into the county treasury, or city treasury, as provided by law.

15. Constables shall receive the following monthly salaries, to be paid each month, and in the same manner and out of the same fund as other county officers are paid, which shall be in full for all services rendered by them in criminal cases: In townships having a population of more than twenty-five thousand, one hundred and fifty dollars; in townships having a population of more than nineteen thousand and less than twenty-five thousand, ninety dollars; in townships having a population of fifteen thousand and less than nineteen thousand, eighty dollars; in townships having a population of one thousand and less than fifteen thousand, eighty-five dollars; provided, that in townships having a population of fifteen thousand and less than nineteen thousand there shall be but one constable. In addition to the compensation received in criminal cases each constable may receive and retain for his own use such fees as are now or may hereafter be allowed by law for all services performed by him in civil cases; provided, that in counties of this class constables shall be and they are hereby allowed such expenses as are actually and necessarily incurred by them in conveying prisoners to and from the county jail; such expenses to be itemized and presented as a claim against the county and to be audited and allowed by the board of supervisors and paid out of the county treasury in the manner as are other claims.

16. Each supervisor, one hundred and twenty-five dollars per month, and mileage at ten cents per mile for each mile actually traveled in going to and from their residence to the county seat, or in the performance of the duties required of them by law or by virtue of their office; provided, that in attending sessions of the board only four mileages shall be allowed for each month, and that the total mileage allowed shall not exceed one hundred dollars in any one month.

17. Each of the official reporters of the superior court in counties of this class shall receive as full compensation for taking notes in civil and criminal cases tried in said court, a monthly salary of one hundred and fifty (\$150.00) dollars, payable out of the county treasury in the same manner and at the same time as salaries of county officers are paid. For transcription of said notes, when required, he shall receive fifteen (15c.) cents per folio;

provided, that when more than one copy is required he shall receive ten cents per folio for each copy. The compensation for transcription in criminal cases shall be paid on the order of the court out of the county treasury. The fees for transcription in civil cases or proceedings shall be paid by the party ordering the same, or, when ordered by the judge, by either party, or by both parties, as the court may direct. When the services of the reporter are required in any civil matter, the clerk shall collect for each day of trial five (\$5.00) dollars, one half from each party, and shall pay the same into the county treasury. [Amendment approved March 19, 1908. Stats. 1903, p. 218; in effect immediately.]

Sec. 161. In counties of the fourth class the county officers shall receive as compensation for the services required of them by law or by virtue of their office, the following salaries to wit:

1. The county clerk, nine thousand dollars per annum.
2. The sheriff, nine thousand five hundred and twenty dollars per annum; provided, that he shall receive as additional compensation the mileage collected by him in criminal cases and all expenses incurred in criminal cases, and also his mileage for service of papers or process issued by any court of this state, and all fees for service of papers or process in actions arising outside of his county, and the said sheriff may appoint a matron for the county jail of his county which office of matron for the county jail is hereby created, and who shall receive as compensation the sum of seventy-five dollars per month, payable at the same time, and in the same manner as the salaries of other county officers.
3. The recorder, eight thousand dollars per annum; and the said recorder may appoint one chief deputy, which said office of chief deputy recorder is hereby created, who shall hold said office of chief deputy recorder for a period of four years from and after his appointment, and who shall receive as compensation the sum of twelve hundred dollars per annum, payable at the same time and in the same manner as the salaries of other county officers.
4. The auditor, four thousand dollars per annum.
5. The treasurer, four thousand dollars per annum.
6. The tax collector, seven thousand dollars per annum.
7. The license collector, who shall be appointed by the

board of supervisors, whose term of office shall be for the period of four years, five per cent upon the whole amount of licenses collected by him.

8. The assessor, eight thousand seven hundred dollars per annum, and the said assessor may appoint one chief deputy assessor, and one draughtsman for the assessor, which said officers of chief deputy assessor and draughtsman for the assessor are hereby created, who shall hold said offices of chief deputy assessor and draughtsman for the assessor, respectively, for the period of four years from and after their several appointments, and who shall receive as compensation the sum of twelve hundred dollars each, per annum, payable at the same time and in the same manner as the salaries of other county officers. And the assessor may also appoint each year two temporary deputies, who shall serve as such during the months of March, April, May, and June, of the year for which they are appointed, which said offices of temporary deputy assessors are hereby created, who shall receive as compensation the sum of eighty dollars each, per month, during the four months which they shall serve as such deputies, payable at the same time and in the same manner as the salaries of other county officers.

9. The district attorney, three thousand two hundred dollars per annum; and the said district attorney may appoint one assistant district attorney and one deputy district attorney, which said offices of assistant district attorney and deputy district attorney are hereby created. The salary of such assistant district attorney is hereby fixed at eighteen hundred dollars per annum, and the salary of such deputy district attorney is hereby fixed at twelve hundred dollars per annum, such salaries to be paid at the same time and in the same manner as the salaries of other county officers.

10. The coroner, such fees as are now or may hereafter be allowed by law.

11. The public administrator, such fees as are now or may hereafter be allowed by law.

12. The superintendent of schools, two thousand dollars per annum, and actual traveling expenses when visiting the schools of his county; and the said superintendent of schools may appoint one assistant superintendent of schools, which office of assistant superintendent of

schools is hereby created, who shall receive as compensation the sum of nine hundred dollars per annum, payable at the same time and in the same manner as the salaries of other county officers.

13. The county surveyor, the sum of two thousand four hundred dollars per annum; and said surveyor may appoint one assistant surveyor, which said office of assistant surveyor is hereby created, who shall receive as compensation the sum of twelve hundred dollars per annum, payable at the same time and in the same manner as the salaries of other county officers. All fees now, or which may hereafter be, allowed by law, and which shall be earned by the county surveyor in the official discharge of his duties, shall be paid into the county treasury for the benefit of the county, accompanied with a sworn and itemized statement of such fees earned, on or before the first Monday of each month.

14. In counties of this class, justices of the peace shall receive the following salaries for all services rendered by them in criminal cases, payable monthly, in the same manner as the salaries of county officers are paid, viz: In townships having a population of twenty thousand or more, one hundred and fifty dollars per month; in townships having a population of four thousand and less than twenty thousand, one hundred and thirty-five dollars per month; in townships having a population of fifteen hundred and less than four thousand, sixty-five dollars per month; in townships having a population of one thousand and less than fifteen hundred, fifty dollars per month; in all townships having a population less than one thousand, thirty dollars per month; provided, that in townships having a population of twenty thousand or more, there shall be two justices of the peace in and for any such townships, and such justices shall be allowed a clerk, to be appointed by the board of supervisors at a salary of seventy-five dollars per month, payable monthly in the same manner as salaries of county officers are paid, and shall be furnished with offices and necessary supplies by the board of supervisors. All fees collected by justices of the peace in criminal cases, shall be by them monthly paid into the county treasury, accompanied by a sworn and itemized statement showing the amount of such fees, and all fees for civil cases collected by justices of townships with a less

population than five thousand inhabitants, shall likewise be paid into the county treasury.

15. Constables shall receive the following salaries for all services rendered by them in criminal cases, payable monthly, in the same manner as salaries of county officers are paid, viz: In townships having a population of twenty thousand or more, one hundred dollars per month; in townships having a population of four thousand and less than twenty thousand, seventy-five dollars per month; in townships having a population of fifteen hundred and less than four thousand, sixty dollars per month; in townships having a population of less than fifteen hundred, forty dollars per month. They shall be allowed all necessary expenses incurred in conveying prisoners, and such fees as are now or may be hereafter allowed in civil cases excepting constables in townships having a population of less than five thousand inhabitants who shall not receive any fees.

16. Each supervisor, one thousand two hundred dollars per annum, and mileage at ten cents per mile for each mile actually traveled in going to and from their residence to the county seat, or in performance of the duties required of them by law or by virtue of their office; provided, that in attending sessions of the board only four mileages shall be allowed for each month, and that the total mileage allowed shall not exceed one hundred dollars in any one month; and in counties of this class the members of the board of supervisors shall be ex officio road commissioners, and as such road commissioner shall be paid the sum of five hundred dollars per annum each. [Amendment approved March 16, 1903; Stats. 1902, p. 168; in effect immediately.]

Sec. 162. In counties of the fifth class the county officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit:

1. The county clerk, three thousand dollars per annum; he shall appoint one chief deputy, at a salary of fifteen hundred dollars per annum; one additional deputy, at a salary of twelve hundred dollars per annum, and three court-room clerks, at a salary of twelve hundred dollars each per annum. The salaries of each of said deputies and clerks to be paid out of the county treasury, in equal

monthly installments, in the same manner and at the same time as other county officials are paid.

2. The sheriff, nine thousand dollars per annum, and one deputy sheriff, at a salary of one thousand five hundred dollars, to be paid at the same time and in the same manner as other county officers are paid, being the same deputy allowed sheriffs under and by virtue of section two hundred and sixteen of an act entitled "An act to establish a uniform system of county and township governments," approved March twenty-fourth, eighteen hundred and ninety-three, and such fees and mileage as are now or hereafter may be provided by law for all services done or performed in actions coming from another county, and for all criminal service necessarily performed outside of his county, and all necessary expense incurred in arresting and conveying prisoners before a court or to prison, and shall have such fees and reasonable expenses incurred in taking and keeping property seized under attachment, or levied on under execution; provided, that the keeper's fees shall not exceed three dollars per day of twelve hours, except when it becomes necessary to keep a place of business open in the night, in which case he shall be allowed additional keeper's fees, to be fixed by the court from which the writ issued under which the property was taken.

3. The recorder, three thousand dollars per annum. The recorder may appoint two deputies at a salary of twelve hundred dollars each per annum, and also one deputy at a salary of nine hundred dollars per annum; the salaries of such deputies to be paid at the same time and in the same manner county officers are paid.

4. The auditor, twenty-four hundred dollars per annum. The auditor may appoint a deputy at a salary of twelve hundred dollars per annum; the salary of the deputy auditor to be paid at the same time and in the same manner county officers are paid.

5. The treasurer, three thousand four hundred dollars per annum.

6. The tax collector, two thousand five hundred dollars per annum.

7. The license collector, one thousand eight hundred dollars per annum.

8. The assessor, six thousand dollars per annum.

9. The district attorney, three thousand six hundred dollars per annum. In counties of this class the district attorney may appoint an assistant district attorney, which office is hereby created, who shall receive as compensation for his services the sum of fifteen hundred dollars per annum, to be paid out of the county treasury in equal monthly installments in the same manner and at the same time other county officials are paid. In counties of this class the district attorney may appoint a clerk for service in his office, which office of clerk to the district attorney is hereby created, and said clerk shall receive as compensation for his service the sum of nine hundred dollars per annum, to be paid out of the county treasury in equal monthly installments, in the same manner and at the same time other county officials are paid.

10. The coroner, such fees as are now or may be hereafter allowed by law; provided, the coroner, or other officer holding an inquest upon the body of a deceased person, may subpoena a chemist to make an analysis of the contents of the stomach or of the tissues of the body, or a physician or surgeon to inspect the body, or hold a post-mortem examination of the deceased, and give a professional opinion as to the cause of death; and shall cause the testimony of all the witnesses at such inquest to be reduced to writing under his directions and may require one of the official reporters to act as clerk or stenographer for such purpose, and in case any of such reporters should refuse or be unable to attend, may employ a stenographer for that purpose at the same compensation allowed to stenographers of the superior court of the county, such amount to be deducted from the salary of the official reporter in default.

11. The public administrator, such fees as are now or may be hereafter allowed by law.

12. The superintendent of schools, two thousand dollars per annum, and actual traveling expenses when visiting schools of his county, not exceeding three hundred dollars per annum. Each member of the board of education shall receive five dollars per day as compensation for his services when in actual attendance upon said board, and mileage at the rate of twenty cents per mile, one way only, from his residence to the place of meeting of said board. The secretary of said board of education shall receive

five dollars per day for his services for the actual time that the board may be in session. Said compensation of the members of said board and of said secretary shall be paid out of the same fund as the salary of the superintendent of schools. Claims of such service and mileage shall be presented to the board of supervisors and shall be allowed at the rate above named, and in the same manner as other claims against the county are allowed. The compensation of the members of the county board of education herein provided is not in addition to that provided in section seventeen hundred and seventy of the Political Code.

13. The surveyor, two thousand four hundred dollars per annum, and in addition thereto all necessary expenses and transportation for work performed on the field; provided, that in counties of this class, whenever the board of supervisors shall order, or the assessor may require, assessor's map or block books, then the surveyor shall receive, in addition to the salary herein above noted, the sum of nine hundred dollars for the preparation and completion of the said map or block books.

14. Justices of the peace, such fees [as] are now or may be hereafter allowed by law, except that the justices of the peace in townships containing twenty thousand or more inhabitants shall be allowed a salary of one hundred dollars per month in lieu of all fees in criminal cases, payable as the salaries of other county officers are paid.

15. Constables, such fees [as] are now or may be hereafter allowed by law, except that the constables in townships containing twenty thousand or more inhabitants shall be allowed a salary of one hundred dollars per month each for all services in criminal cases, payable as the salaries of other county officers are paid; provided, however, that constables in townships not having twenty thousand inhabitants, shall receive, in addition to the fees now provided by law three dollars per day for each day actually in attendance on court in criminal cases, and fifteen cents per mile for every mile actually traveled in taking prisoners to the county jail.

16. Each supervisor, seventy-five dollars per month, and ten cents per mile for traveling to and from the county seat; provided, mileage shall not be allowed oftener than once in each month.

17. From and after the first Monday in January, nineteen hundred and three, the offices of recorder and auditor shall be separate and shall not be consolidated by the board of supervisors. [Amendment approved March 19, 1903; Stats. 1903, p. 224. In effect in sixty days.]

Sec. 163. In counties of the sixth class the county officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit:

1. The county clerk, five thousand dollars per annum; provided, that he shall appoint one chief deputy, at a salary of twelve hundred dollars per annum, and two courtroom deputies, at a salary of nine hundred dollars per annum each. The salaries of said three deputies shall be paid by said county clerk out of said five thousand dollars compensation above named. The county clerk shall also appoint one deputy at a salary of nine hundred dollars per annum, to be paid out of the county treasury in equal monthly installments in the same manner and at the same time other county officials are paid.

2. The sheriff, sixty-two hundred dollars per annum; provided, that he shall appoint one under-sheriff, at a salary of fifteen hundred dollars per annum, and three deputy sheriffs, at a salary of nine hundred dollars per annum each. The salaries of said under-sheriff and deputies shall be paid by said sheriff out of said sixty-two hundred dollars compensation above named. The sheriff shall also appoint one additional deputy, at a salary of nine hundred dollars per annum, to be paid out of the county treasury in equal monthly installments in the same manner and at the same time other county officials are paid. The sheriff shall also receive, as compensation for traveling, to be computed in all cases from the court-house, to serve any summons and complaint, or any other process by which an action, or proceeding is commenced, notice, rule, order, subpoena, attachment on property, to levy an execution, post notice of sale, to sell property under execution or other order of sale, to execute an order for the delivery of personal property, writ of possession or restitution, to hold inquest or trial of right of property, in executing writ of habeas corpus, or collecting taxes, twenty cents for each mile, one way only, to be computed over the nearest and most practicable route, between the court-

house and the place of service; provided, that if any two or more papers be required to be served in the same suit, at the same time, and in the same direction, one mileage only shall be charged to the most distant points to complete such service, which distance shall, in all cases, be estimated by the nearest practicable route.

3. The recorder, four thousand one hundred and sixty dollars per annum; provided, that the recorder shall appoint three copyists at a salary of seven hundred and twenty dollars per annum each; which salary of said three copyists shall be paid by said recorder out of said sum of four thousand one hundred and sixty dollars compensation above named; and provided further, that said copyists, being eligible, may be appointed deputies of said recorder without further compensation.

4. The auditor, two thousand four hundred dollars per annum; provided, that the expenses incurred in making extensions of assessment and tax rolls shall be paid out of said sum of two thousand four hundred dollars compensation above mentioned.

5. The treasurer, two thousand dollars per annum.

6. The tax collector, twelve hundred dollars per annum.

7. The assessor, four thousand two hundred dollars per annum; provided, that the assessor shall appoint as many deputy assessors as may be necessary, all of which deputies' salaries shall be paid by the said assessor out of said four thousand two hundred dollars compensation above named.

8. The district attorney, two thousand four hundred dollars per annum, and one assistant district attorney, at a salary of fifteen hundred dollars per annum, to be paid at the same time and in the same manner as county officers are paid; said assistant district attorney allowed in lieu of the assistant district attorney allowed by virtue of subdivision thirty-six of section twenty-five of an act entitled "An act to establish a uniform system of county and township governments," approved March twenty-fourth, eighteen hundred and ninety-three.

9. The coroner, such fees as are now or may be hereafter allowed by law.

10. The public administrator, such fees as are now or may be hereafter allowed by law.

11. The superintendent of schools, two thousand dol-

lars per annum, and actual traveling expenses when visiting the schools of his county; provided, said superintendent of schools may appoint a deputy at a salary of nine hundred dollars per annum, payable at same time and in same manner as salaries of other county officers are paid.

12. The surveyor shall receive one thousand five hundred dollars per annum for all work performed for the county, and in addition thereto all necessary and actual traveling expenses incurred in connection with field work, and all fees allowed by law; provided, that when the surveyor is directed by the board of supervisors to plot, trace, or otherwise prepare maps, plats or block books for use of the county assessor, he shall be allowed only the actual cost of preparing the same; provided further, that the fees for land surveys, except when done for the county, shall be ten dollars per day, or fraction thereof, and in addition thereto all necessary and actual traveling expenses.

13. Justices of the peace, such fees as are now or may be hereafter allowed by law.

14. Constables; such fees as are now or may be hereafter allowed by law.

15. Each member of the board of supervisors, for all services required of them by law, or by virtue of their office, except as road commissioners, shall be allowed six dollars per day, and thirty cents per mile in traveling from their place of residence to the court-house; provided, that only one mileage must be allowed at each term; and provided further, that no supervisor must be allowed more than one day's pay for any one day, by reason of his being on the committees appointed by the board of supervisors, or for any other cause; provided, that in no case shall the per diem of the supervisors, as supervisors, exceed eight hundred dollars each in one year. Each supervisor shall receive for his services as road commissioner, thirty cents per mile, one way, for all distances actually traveled by him in the performance of his duties; provided, that he shall not, in any one year, receive more than four hundred dollars as such road commissioner.

16. In counties of this class the official reporter of each department of the superior court shall receive, as full compensation for taking notes in civil and criminal cases

tried in said court, and for all preliminary examinations and other services rendered in court, a monthly salary of one hundred dollars, payable out of the county treasury at the same time and in the same manner as the salaries of county officers; and for transcription of said notes, when required, he shall receive the sum of ten cents per folio for the original and five cents per folio for a copy; said compensation for transcription in criminal cases to be audited and allowed by the board of supervisors as other claims against the county, and paid out of the county treasury, and in civil cases to be paid by the party ordering the same, or, when ordered by the judge, by either party, or jointly by both parties, as the court may direct. [Amendment approved March 23, 1901. Stats. 1901, p. 707. In effect 12 M. on the first Monday after January 1, 1903.]

Sec. 164. In counties of the seventh class the county officers shall receive, as compensation for the services required of them by law or by virtue of their offices, the following salaries, to wit:

1. The county clerk, two thousand four hundred dollars per annum. He shall have one deputy at a salary of fifteen hundred dollars per annum, one at a salary of twelve hundred dollars; three deputies, each at a salary of nine hundred and sixty dollars; and one at a salary of seven hundred and twenty dollars per annum.

2. The sheriff, six thousand dollars per annum, and all fees for service of process issued without his county. He shall have an under-sheriff whose annual salary shall be fifteen hundred dollars, two deputies whose annual salary shall be twelve hundred dollars each, and four deputies whose annual salary shall be nine hundred dollars each.

3. The recorder, two thousand dollars per annum. He shall have one deputy whose salary shall be twelve hundred dollars per annum, and two deputies who shall each receive nine hundred and sixty dollars per annum. He shall have such copyists as are necessary to perform the duties of the office, at a compensation not to exceed six cents per folio.

4. The auditor, two thousand dollars per annum, and one clerk at a monthly salary of eighty dollars. The auditor shall also have one deputy, at an annual salary of twelve hundred dollars.

5. The treasurer, two thousand five hundred dollars per

annum. He shall have a deputy at a salary of twelve hundred dollars per annum.

6. The tax collector, two thousand dollars per annum. He shall have one deputy, who shall receive twelve hundred dollars per annum, and three deputies, each at an annual salary of nine hundred and sixty dollars.

7. The assessor, two thousand five hundred dollars per annum. He shall have one deputy at a salary of nine hundred and sixty dollars per annum, and six deputies whose per diem shall be four dollars each, when actually employed between the first Monday in March and the first Monday in June.

8. The district attorney, three thousand dollars per annum. He shall have one deputy at a salary of eighteen hundred dollars and one deputy at a salary of twelve hundred dollars per annum.

9. The coroner, such fees as are now or may be hereafter allowed by law.

10. The public administrator, such fees as are now or may be hereafter allowed by law.

11. The superintendent of schools, two thousand dollars per annum. He shall have one deputy at an annual salary of twelve hundred dollars. The superintendent shall also be allowed actual traveling expenses when visiting the schools of his county.

12. The surveyor, two thousand dollars per annum, and his actual expenses when at work in the field. He shall have one deputy at a salary of seventy-five dollars per month.

13. Justices of the peace, the fees allowed by law; provided, that in townships of six thousand population or more, any or all charges in criminal cases shall not exceed one hundred and forty dollars per month for any justice or other officer exercising the functions of justice of the peace. They shall receive the fees allowed by law in civil cases. In townships having a population of less than six thousand, they shall receive fees allowed by law, not to exceed ninety dollars per month for criminal cases. They shall receive the fees allowed by law in civil cases.

14. Constables, the fees allowed by law; provided, that in townships having a population of six thousand or more, they shall not receive for services in criminal cases to exceed one hundred dollars per month. They shall re-

ceive the fees allowed by law in civil cases. In townships having a population of less than six thousand, the fees allowed by law, not exceeding ninety dollars per month for services in criminal cases. They shall receive the fees allowed by law in civil cases.

15. Each supervisor, six dollars per day when the board is necessarily in session, and twenty cents for each mile traveled by the ordinary route in going from his residence to the county seat once during each meeting. When traveling by order of the board upon county business each supervisor shall be allowed his actual itemized expenses. For all services as road commissioner each supervisor shall receive not to exceed five hundred dollars per annum, but for all services rendered by virtue of his office, including mileage, no supervisor shall be allowed more than fifteen hundred dollars in any one year.

16. The official reporters of the superior court, in counties of this class, shall receive as full compensation for taking notes, when his services are demanded in civil cases, and in all criminal cases tried in said court a monthly salary of one hundred and fifty dollars, payable out of the county treasury, in the same manner as salaries of county officers are paid. For transcription of said notes, when required, he shall receive ten cents per folio for the original, and five cents per folio for a copy. The compensation for transcription in criminal cases to be audited and allowed by the board of supervisors as other claims against the county, and paid out of the county treasury; and in civil cases or proceedings, to be paid by the party ordering the same, or when ordered by the judge, by either party, or by both parties, as the court may direct. When the services of the reporter are demanded in any civil matter, the clerk shall collect, each day, in advance, five dollars from the party demanding the same, and shall pay the same into the county treasury on the first Monday of each month.

17. In counties of the seventh class the board of supervisors may appoint a horticultural commissioner, who shall have expert knowledge of the duties pertaining to the position, who shall serve at the pleasure of the board, and who shall be paid a salary of not to exceed one hundred dollars per month. [Amendment approved March 23, 1901. Stats. 1901, p. 711. In effect in thirty days.]

Sec. 165. In counties of the eighth class, the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit:

1. The county clerk, twenty-five hundred dollars per annum.

2. The sheriff, three thousand dollars per annum; the sheriff shall also receive for his own use and benefit, the fees for mileage which are now or which may hereafter be allowed by law, and the fees or commissions for the service of all papers whatsoever issued by any court of the state outside of his county; and shall also receive his necessary expenses in all criminal cases.

3. The recorder, sixteen hundred dollars per annum.

4. The auditor, eight hundred dollars per annum.

5. The treasurer, sixteen hundred dollars per annum.

6. The tax collector, eight hundred dollars per annum and five per cent on all licenses collected, which shall be in full for all services as tax collector and license collector.

7. The assessor, eleven thousand five hundred dollars per annum; the assessor shall turn over to the county all fees and commissions for the collection of poll tax, personal property tax and for making up the military roll. The assessor shall make all maps and plats, and shall bind in book form, alphabetically arranged, all assessment lists; provided, there shall be no charge against the county for the making of said maps, plats, and said binding except for the material furnished in the making of said maps and plats and binding of said assessment lists.

8. The district attorney three thousand dollars per annum.

9. The coroner, such fees as are now or may be hereafter allowed by law.

10. The public administrator, such fees as are now or may be hereafter allowed by law.

11. The superintendent of schools, two thousand dollars per annum, and actual traveling expenses when visiting the schools of his county said expenses not to exceed four hundred dollars in one year.

12. The surveyor, such fees as are now or may be hereafter allowed by law.

13. Justices of the peace shall receive the following

salaries for all services rendered by them in criminal cases, payable in the same manner as county officers are paid, viz: In townships having a population of seventeen thousand or more, seventy-five dollars per month; in townships having a population of not less than four thousand, nor more than seventeen thousand, forty dollars per month; in townships having a population of not less than twenty-seven hundred nor more than four thousand, thirty-five dollars per month; in townships having a population of not less than fourteen hundred and fifty, nor more than twenty-seven hundred, twenty-five dollars per month; in townships having a population of not less than thirteen hundred and twenty-five, nor more than fourteen hundred and fifty, fifteen dollars per month; in townships having a population of not less than five hundred nor more than thirteen hundred and twenty-five, five dollars per month; justices of the peace in counties of this class shall also receive for their own use and benefit such fees as are now or may be hereafter allowed by law in civil cases.

14. Constables shall receive the following salaries for all services rendered by them in criminal cases, payable monthly in the same manner as county officers are paid, viz: In townships having a population of seventeen thousand or more, seventy-five dollars per month; in townships having a population of not less than four thousand nor more than seventeen thousand, forty dollars per month; in townships having a population of not less than twenty-seven hundred nor more than four thousand, thirty-five dollars per month; in townships having a population of not less than fourteen hundred and fifty, nor more than twenty-seven hundred, twenty-five dollars per month; in townships having a population of not less than thirteen hundred and twenty-five, nor more than fourteen hundred and fifty, fifteen dollars per month; in townships having a population of not less than five hundred, nor more than thirteen hundred and twenty-five, five dollars per month. Constables shall also receive for their own use and benefit such fees as are now or may hereafter be allowed by law for mileage in criminal cases and shall also receive such fees as are now or may hereafter be allowed by law in civil cases.

15. Each member of the board of supervisors, nine hundred dollars per annum, and their necessary expenses

when attending to the business of the county, other than the meetings of the board; and fifteen cents a mile in traveling to and from his residence to the county seat; provided, that not more than one mileage at any one term of the board shall be allowed.

16. The county clerk shall have one chief deputy, at a salary of twelve hundred dollars per annum; two court-room deputies, at a salary of nine hundred dollars per annum each, and a deputy or deputies not to exceed ten, for the purpose of registering electors and for other emergencies, to be paid not to exceed three dollars per diem each.

The county recorder, one deputy, at a salary of twelve hundred dollars per annum, two deputies at a salary of nine hundred dollars per annum.

The treasurer, one deputy, at a salary of fifteen hundred dollars per annum.

The district attorney, an assistant district attorney, at a salary of fifteen hundred dollars per annum, and a deputy district attorney, at a salary of nine hundred dollars per annum.

The sheriff, and under-sheriff, who shall receive a salary of fifteen hundred dollars per annum; a clerk, who shall receive a salary of nine hundred dollars per annum; a deputy sheriff, who shall receive a salary of nine hundred dollars per annum; two bailiffs, or court-room deputies, who shall receive a salary of nine hundred dollars per annum; two jailers, who shall receive a salary of nine hundred dollars per annum. All the deputies, assistants, and clerks herein mentioned shall be paid at the times and in the manner that their principals are paid from and after the approval of this act. [Amendment approved March 23, 1901. Stats. 1901, p. 713. In effect 12 M. on first Monday after January 1, 1903.]

Sec. 166. In counties of the ninth class the county officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit:

1. The county clerk, seven thousand six hundred dollars per annum.

2. The sheriff seven thousand eight hundred dollars per annum, and the sheriff shall also receive for his own use and benefit, the fees or commissions for the service of all

papers whatsoever issued by any court of the state outside of this [his] county. And the board of supervisors shall allow the sheriff his actual and necessary expenses in serving any civil or criminal process, or performing any other official duty within his county at a distance, by the ordinary route of travel, of more than sixty miles from the county seat.

3. The recorder, the fees now allowed by law pertaining to said recorder's office; provided, that the fee for filing, indexing, and canceling tax sale certificates for land sold to the state for delinquent taxes shall be fifteen cents for each certificate and for filing, recording, and indexing tax deeds to the state, the fee shall be seventy-five cents each, all of which shall be paid out of the county treasury in the same manner that other claims are paid; provided, that the fee to be charged by the recorder for filing certificates of tax sale issued by the tax collector of any municipality within any county of the ninth class shall be one dollar for each volume, when the same is bound in book form; each of said volumes shall contain not less than two hundred of such tax certificates; provided, that all books of record, printing, and stationery shall be furnished and paid for by the recorder out of his fees; the style and quality of the same to be approved by the board of supervisors.

4. The auditor, five thousand five hundred dollars per annum.

5. The treasurer, three thousand dollars per annum.

6. The tax collector, seven thousand dollars per annum, which shall include all fees and percentage as license collector.

7. The assessor four thousand dollars per annum, and such fees as are allowed by law.

8. The district attorney, five thousand dollars per annum.

9. The superintendent of public schools, twenty-five hundred dollars per annum. He shall have one deputy at an annual salary of twelve hundred dollars.

10. The public administrator, such fees as are now or may hereafter be allowed by law.

11. The coroner, such fees as are now or may be hereafter allowed by law.

12. The surveyor, two thousand dollars per annum, which

shall be in lieu of all fees and per diem now allowed by law.

13. Constables, such fees as are now or may hereafter be allowed by law; provided, however, that no constable shall be allowed in any one month out of the county treasury, more than seventy-five dollars as fees in misdemeanor cases; provided further, that they shall receive for each day's attendance in court, in criminal cases, when required by the justice to be present, two dollars per day; provided further, that for taking prisoners to the county jail, actual traveling expenses only shall be allowed, in lieu of mileage.

14. Justices of the peace, such fees as are now or may hereafter be allowed by law; provided, however, that no justice of the peace shall be allowed in any one month out of the county treasury, more than seventy-five dollars in misdemeanor cases.

15. Each member of the board of supervisors, five hundred dollars per annum, and fifteen cents per mile in going from his residence to the county seat at each meeting of the board. Also, four hundred dollars per annum each, and mileage now allowed by law for services as road commissioners.

16. In counties of this class the official reporters of the superior court shall receive, as full compensation for taking notes in civil and criminal cases tried in said court, and on all lunacy and preliminary examinations and coroner's inquests, a monthly salary of one hundred and twenty-five dollars, payable out of the county treasury at the same time and in the same manner as the salaries of county officers; and for transcription of said notes, when required, he shall receive the sum of ten cents per folio for the original and five cents per folio for a copy; said compensation for transcription in criminal cases and coroner's inquests to be audited and allowed by the board of supervisors as other claims against the county, and paid out of the county treasury, and in civil cases to be paid by the party ordering the same, or when ordered by the judge, by either party, or jointly by both parties, as the court may direct.

17. In counties of this class there shall be but one horticultural commissioner.

18. Each member of the board of education shall receive

five dollars per day as compensation for his services when in actual attendance upon said board and mileage at the rate of twenty cents per mile, one way only, from his residence to the place of meeting of said board. The secretary of said board of education shall receive five dollars per day for his services for the actual time that the board may be in session. Said compensation of the members of said board and of said secretary shall be paid out of the same fund as the salary of the superintendent of schools. Claims of such services and mileage shall be presented to the board of supervisors and shall be allowed at the rate above named and in the same manner as other claims against the county are allowed. The compensation of the members of the county board of education herein provided is not in addition to that provided in section seventeen hundred and seventy of the Political Code. [Amendment approved March 23, 1901. Stats. 1901, p. 715. In effect 12 M. on first Monday after January 1, 1903.]

Sec. 167. In counties of the tenth class, the county officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit:

1. The county clerk, four thousand three hundred dollars per annum, and the sum of five hundred dollars for making great register, and ten cents for each person registered.

2. The sheriff, five thousand three hundred dollars per annum and all commissions, fees, and mileage, for the service of papers or process coming from courts other than those of his own county.

3. The recorder, fifteen hundred dollars per annum; six cents per folio for recording.

4. The auditor, one thousand eight hundred dollars per annum.

5. The treasurer, one thousand eight hundred dollars per annum.

6. Tax collector, three thousand two hundred dollars per annum; provided, however, that in counties of this class, the tax collector shall receive no fees or commissions for the collection of licenses.

7. The assessor, five thousand five hundred dollars per annum; provided, however, that the percentage received

by the assessor on poll taxes and personal property taxes, and also amounts allowed for returning names of persons subject to military duty, and which, in counties of other classes, is allowed to the assessor as compensation, shall be paid by him into the county treasury, and no part thereof shall be received by him as compensation.

8. The district attorney, three thousand dollars per annum; provided, that this salary shall include the compensation of an assistant, or of deputies, if any.

9. The coroner, such fees as are now or may hereafter be allowed by law.

10. The public administrator, such fees as are now or may hereafter be allowed by law.

11. The superintendent of schools for full services, including attendance on the county board of education, one thousand five hundred dollars and actual traveling expenses. His office shall be kept open on all business days from two to five o'clock P. M.

12. Each member of the board of education shall receive five dollars per day as compensation for his services when in actual attendance upon said board, and mileage at the rate of twenty cents per mile, one way only, from his residence to the place of meeting of said board. The secretary of said board of education shall receive five dollars per day for his services for the actual time that the board may be in session. Said compensation of the members of said board and of said secretary shall be paid out of the same fund as the salary of the superintendent of schools is paid. Claims of such services and mileage shall be presented to the board of supervisors and shall be allowed at the rate above named and in the same manner as other claims against the county are allowed. The compensation of the members of the county board of education herein provided is not in addition to that provided in section one thousand seven hundred and seventy of the Political Code.

13. The surveyor, one thousand five hundred dollars per annum, and in addition thereto all necessary expenses, and transportation on work performed in the field.

14. The justices of the peace, the following monthly salaries, to be paid each month as salaries of other county officers are paid, which shall be in full for all services rendered by them in criminal cases:

In townships having a population of six thousand and over, ninety dollars per month.

In townships having a population of two thousand four hundred and less than six thousand, seventy-five dollars per month.

In townships having a population of one thousand five hundred and less than two thousand four hundred, fifty-five dollars per month.

In townships having a population of eight hundred and less than one thousand five hundred, thirty dollars per month.

In townships having a population of five hundred and less than eight hundred, fifteen dollars per month.

In townships having a population less than five hundred, ten dollars per month.

In addition to above salaries, each justice of the peace shall collect for his own use in civil cases such fees as are now or may hereafter be allowed by law.

15. Constables, the following monthly salaries, to be paid each month as the salaries of county officers are paid, which shall be in full for all services rendered by them in criminal cases:

In townships having a population of five thousand and more, eighty-five dollars per month; in townships having a population of two thousand five hundred and less than five thousand, sixty-five dollars per month; in townships having a population of fifteen hundred and less than two thousand five hundred, sixty dollars per month; in townships having a population of eight hundred and less than fifteen hundred, fifty dollars per month; in townships having a population of five hundred and less than eight hundred, twenty dollars per month; in townships having a population less than five hundred, ten dollars per month. In addition to the monthly salary allowed herein, each constable may receive and retain for his own use such fees as are now or may hereafter be allowed by law for all services performed by him in civil actions.

The population of townships shall, for the purpose of this section, be determined by the last preceding United States census, and in case townships are formed after the taking of the census, then the population shall be determined by multiplying the vote for governor cast in such township, at the last preceding election, by four.

16. The supervisors, each the sum of six hundred dollars per annum, and twenty cents per mile one way for attending session of the board; provided, that he shall not receive in any one year more than five hundred dollars for said mileage. Each supervisor shall receive for his services as road commissioner twenty cents per mile one way for all distances actually traveled by him in the performance of his duties; provided, that he shall not receive in any one year more than five hundred dollars.

17. The official reporter of each department of the superior court shall receive, as full compensation for taking notes in civil and criminal cases tried in said courts, and when requested by a justice of the peace or coroner, in preliminary examinations, or inquests, a salary of one thousand dollars per annum, payable in equal monthly installments, out of the county treasury, at the same time and in the same manner as the salaries of other county officers; he shall without further compensation act as the secretary of the judge of such department of the superior court; and for transcription of said notes, when required, they shall receive the sum of ten cents per folio for the original and five cents per folio for a copy, and also actual traveling expenses, when reporting outside of the county seat. Said compensation for transcribing in criminal cases, preliminary examinations, and inquests, and traveling expenses, to be audited and allowed by the board of supervisors as other claims against the county, and paid out of the county treasury; and in civil cases, to be paid by the party ordering the same, or, when ordered by the judge, by either party or jointly by both parties as the court may direct.

18. The provisions of this section shall take effect and be in full force from and after the passage of this act. [Amendment approved March 23, 1901. Stats. 1901, 717. In effect immediately.]

Sec. 168. In counties of the eleventh class, the county and township officers shall receive, as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit:

1. The county clerk, three thousand six hundred dollars per annum; and in counties of this class, there shall be, and there hereby is allowed to the county clerk, one deputy, who shall be appointed by the county clerk and shall

be paid a salary of nine hundred dollars per annum, and one registration clerk, who shall be appointed by the county clerk, and shall be paid a salary of seven hundred and fifty dollars per annum; said salaries to be paid by such county, in monthly installments, at the time and in the manner and out of the same fund as the salary of the county clerk is paid.

2. The sheriff, five thousand dollars per annum; and in counties of this class, there shall be, and there hereby is allowed to the sheriff, one deputy, who shall be appointed by the sheriff and shall be paid a salary of one thousand five hundred dollars per annum, said salary to be paid by such county, in monthly installments, at the time and in the manner and out of the same fund as the salary of the sheriff is paid.

3. The recorder, two thousand four hundred dollars per annum, and in counties of this class, whenever the amount of the fees required by law to be collected, shall in any one month exceed the sum of four hundred dollars, the recorder may, in addition to his salary, retain for his own use and benefit, one half of all such excess fees.

4. The auditor, one thousand five hundred dollars per annum.

5. The treasurer, two thousand four hundred dollars per annum.

6. The tax collector, two thousand eight hundred dollars per annum.

7. The license collector, ten per cent of all licenses collected by him.

8. The assessor, four thousand dollars per annum.

9. The district attorney, two thousand four hundred dollars per annum.

10. The coroner, such fees as are now, or may hereafter be allowed by law.

11. The public administrator, such fees as are now, or may hereafter be allowed by law.

12. The superintendent of schools, two thousand dollars per annum; and in counties of this class, there shall be and there is hereby allowed to the superintendent of schools, one deputy, who shall be appointed by the superintendent of schools, and shall be paid a salary of seven hundred and fifty dollars per annum; said salary to be

paid by such county in monthly installments, at the time and in the manner, and out of the same fund as the salaries of county officers are paid.

13. The surveyor, one thousand five hundred dollars per annum, and necessary traveling expenses while in the performance of the duties of his office.

14. Each supervisor, nine hundred dollars per annum, and mileage at twenty cents per mile, for all distances traveled by him as supervisor or as road commissioner; such mileage not to exceed, in any one year, the sum of seven hundred and fifty dollars.

15. The official shorthand reporter, two thousand dollars per annum, for the department of the superior court to which he has been appointed. Whenever one reporter shall be appointed to, and shall perform the duties required of the official shorthand reporter, for more than one department of said superior court, he shall receive a salary therefor of two thousand five hundred dollars per annum. Said salary shall be payable at the same time and in the same manner as the salaries of other county officers are paid. In addition thereto, he shall receive for transcribing notes, the sum of ten cents per folio for the original, and five cents per folio for all copies thereof. Subdivision fifteen hereof, relating to the salaries and fees of official shorthand reporter, shall take effect immediately.

16. In townships having a population of seven thousand or over in counties of this class, two justices of the peace shall be elected, and each shall receive a salary of fifty dollars per month. In townships having a population less than seven thousand, there shall be but one justice of the peace elected and he shall receive a salary of twenty dollars per month. Such salaries shall be payable at the same time and in the same manner, and out of the same fund as county officers are paid. All justices in counties of this class shall, in addition to the salaries above provided for, receive and collect for their own use and benefit, the following fees, to wit:

1. Each justice of the peace shall be allowed, in a civil action, for all services before trial or entry of judgment, by default or confession, two dollars, and for all additional services in such action, including execution and satisfaction of judgment, two dollars.

2. For the trial of a civil action and all proceedings subsequent thereto, three dollars.

3. For each hour actually engaged in the trial of an action after the first day, fifty cents.

4. For certificate and transmitting papers and transcript on appeal, one dollar.

5. For copies of papers on docket, per folio, ten cents.

6. For issuing a search-warrant, the fee to be paid by the party demanding the same, one dollar.

7. For celebrating a marriage, and returning a certificate thereof to the county recorder, five dollars.

8. For taking an acknowledgment of an instrument, for the first name, fifty cents, and for each additional name, twenty-five cents.

9. For taking depositions, per folio, fifteen cents.

10. For administering an oath, and certifying the same, fifty cents.

11. For issuing a commission to take testimony, one dollar.

12. For all services connected with the posting of estrays, one dollar.

13. For issuing each process, writ, order, or paper required by law to be issued, not otherwise herein provided for, twenty-five cents.

14. For each affidavit or certificate, or for administering an oath or affirmation, not otherwise herein provided for, twenty-five cents.

15. For taking and approving a bond or undertaking, including the justification of sureties, fifty cents.

16. For performing the duties of coroner, when the coroner fails to act, the same fees and mileage as are allowed the coroner in like cases.

17. For all services in a criminal action or proceeding, whether on examination or trial, three dollars; and for each hour actually engaged in the trial or hearing of such action or proceeding, after the first day of such trial or hearing, fifty cents.

18. In all cases where the venue shall be changed, the justice before whom the action is brought, shall receive three dollars for all services therein; and the justice before whom the trial shall take place shall receive the same fees as if the action had been commenced before him.

19. For taking bail in all proceedings, pending before another magistrate, fifty cents.

17. In townships having a population of seven thousand or over, in counties of this class, two constables shall be elected, and each shall receive a salary of thirty dollars per month. In townships having a population less than seven thousand, there shall be but one constable elected, and he shall receive a salary of ten dollars per month. Such salaries shall be payable at the same time and in the same manner, and out of the same fund as county officers are paid.

All constables in counties of this class shall, in addition to the salaries above provided for, receive and collect, for their own use and benefit, the following fees, to wit:

1. For serving summons and complaint, for each defendant served, fifty cents.

2. For each copy of summons made by him, twenty-five cents.

3. For levying writ of attachment or execution, or executing an order of arrest, or for the delivery of personal property, two dollars.

4. For serving a writ of attachment or execution on any ship, boat, or vessel, three dollars.

5. For keeping personal property, such sum as the court may order; but no more than two dollars fifty cents per day, for a keeper, when necessarily employed.

6. For taking a bond or undertaking, one dollar.

7. For copies of writs or other papers, except summons, complaints and subpoenas, per folio, fifteen cents; provided, that when correct copies are furnished him for use, no charge shall be made for such copies.

8. For serving any writ, notice or order, except summons, complaint, or subpoena, for each person served, fifty cents.

9. For writing and posting each notice of sale of property, fifty cents.

10. For furnishing notice of publication, twenty-five cents.

11. For serving subpoenas, each witness, including copy, fifty cents.

12. For collecting money on execution, two and one half per cent.

13. For executing and delivering certificate of sale, fifty cents.

14. For executing and delivering constable's deed, two dollars and fifty cents.

15. For each mile actually traveled, within his township, in the service of any writ, order, or paper, except a warrant of arrest, in going only, per mile, twenty-five cents. No constructive mileage shall be allowed.

16. For each mile necessarily traveled within his county, outside of his township, to serve such writ, order, or paper, in going only, twenty-five cents.

17. For each mile necessarily traveled within his county, in executing a warrant of arrest, both in going to and returning from the place of arrest, fifteen cents; and the actual cost of the transportation of the prisoner or prisoners, from the place of arrest to the justice court, and the necessary expense of assistance; provided, that for traveling in the performance of two or more official services at the same time, including the service of criminal process, but one mileage shall be charged.

18. For each mile necessarily traveled outside his county, in executing a warrant of arrest, both in going to and returning from the place of arrest, fifteen cents.

19. For arresting a prisoner, two dollars.

20. For transporting prisoners to the county jail, from the justice's court, or from the county jail, to the justice's court, the actual cost of transportation and assistance, and mileage at twenty-five cents per mile, one way. In conveying two or more prisoners, but one mileage shall be charged.

21. For each day in which the constable is charged with the custody of a prisoner or prisoners, two dollars fifty cents, and for necessary expense of maintenance and assistance in keeping said prisoners.

22. For summoning a jury, twenty-five cents for each of the persons so summoned, and mileage at the rate of twenty-five cents per mile, going only.

23. For attending court during the trial of a cause or upon an examination on a criminal charge, per day, three dollars.

24. For making sales of estrays in civil cases, the same fees as for sales on execution.

25. For serving writ of possession or restitution, putting

a person in possession of the premises, and removing the occupants therefrom, three dollars per day, and mileage at twenty-five cents per mile, going only.

26. The mileage provided for herein shall be computed for the shortest practicable traveled route between the two points for which mileage is claimed.

27. All fees and per diem herein provided for in criminal cases are a county charge, but no constable shall receive in any one month more than one hundred dollars for all services in criminal cases. [Amendment approved March 19, 1903. Stats. 1903, 212. In effect in sixty days.]

Sec. 169. In counties of the twelfth class the county officers shall receive, as compensation for the services required of them by law or by virtue of their offices, the following salaries, to wit:

1. The county clerk, three thousand dollars per annum, and when a great register of voters is ordered he shall receive five hundred dollars additional, which shall be in full for all services rendered in registering voters and making the great register.

2. The sheriff, four thousand five hundred dollars per annum, and the fees or commissions for the services of all papers, whatsoever issued by any court outside of his county. He shall appoint a jailer to take charge of the branch county jail, at a salary of six hundred dollars per annum, to be paid by the county.

3. The recorder twenty-two hundred and fifty dollars per annum.

4. The auditor, eighteen hundred dollars per annum.

5. The treasurer, eighteen hundred dollars per annum.

6. The tax collector, fifteen hundred dollars per annum.

7. The assessor, three thousand dollars per annum.

8. The district attorney, two thousand dollars per annum.

9. The coroner, such fees as are now or may be hereafter allowed by law.

10. The public administrator, five hundred dollars per annum.

11. The superintendent of schools, fifteen hundred dollars per annum, and his actual necessary traveling expenses while visiting schools.

12. The surveyor shall receive seven dollars per diem

for each day actually employed in the performance of his duties as a county officer, and in addition thereto all necessary expenses, such as transportation and pay of help which may be necessary for the performance of county duties.

13. Justices of the peace, the following monthly salaries, to be paid each month as the salaries of county officers are paid, which shall be in full for all services rendered by them in criminal cases. In townships having a population of six thousand or more, one hundred dollars per month; in townships having a population of two thousand four hundred and less than six thousand, seventy-five dollars; in townships having a population of two thousand and less than two thousand four hundred, sixty-five dollars; in townships having a population of one thousand five hundred and less than two thousand, fifty-five dollars; in townships having a population of one thousand and less than one thousand five hundred, thirty dollars; in townships having a population of eight hundred and less than one thousand, twenty dollars; in townships having a population of five hundred and less than eight hundred, fifteen dollars; in townships having a population less than five hundred, ten dollars. Each justice must pay into the county treasury, once a month, all fines collected by him. In addition to the monthly salary allowed herein, each justice may receive for his own use such fees as are now or hereafter may be allowed by law for all services performed by him in civil actions.

14. Constables, the following salaries, which shall be paid monthly, as salaries of county officers are paid, and which shall be in full for all services rendered by them in criminal cases, to wit: In townships having a population of two thousand one hundred and more, one hundred dollars; in townships having a population of one thousand five hundred and less than two thousand one hundred, eighty dollars; in townships having a population of one thousand and less than one thousand five hundred, fifty dollars; in townships having a population of eight hundred and less than one thousand, thirty dollars; in townships having a population of five hundred and less than eight hundred, fifteen dollars; in townships having a population of less than five hundred, ten dollars. In addition to the monthly salary allowed herein, each constable may receive and retain for his own use such fees as are now or

hereafter may be allowed by law for all services performed by him in civil actions.

For the purposes of this act the basis of calculation for fixing the compensation of the justices and constables above mentioned, the population of the different townships of the county shall always be based upon the figures as shown by the last United States census; provided, however, that whenever the census of any township or townships shall have been taken under the provisions of this act, said census may become the basis of calculation.

15. Each member of the board of supervisors, six hundred dollars for all services rendered, and including mileage; provided, that when required to go on business to any point outside of said county they shall be allowed actual necessary expenses.

16. The official court reporter, for all services required of him in the superior court, excepting for transcribing his notes, a salary of one thousand five hundred dollars per annum, to be paid by the county monthly as the salaries of county officers are paid. For transcribing his notes of testimony in the superior court when required, seven cents per folio for original and four cents per folio for copies, to be paid for when completed, by the party in a civil action who directs the work to be done, but the same shall ultimately be taxed as costs in the case. In criminal proceedings in the superior court, when the judge orders the notes transcribed, the same shall be paid from the county treasury on the order of the court. When the services of the reporter are demanded in any civil matter the clerk shall collect, each day in advance, two dollars and fifty cents from each side of the controversy, and pay the same into the county treasury. At the conclusion of the trial or proceeding in civil matters, such reporter's fees shall be taxed as costs in the same manner that other costs are taxed in such cases.

17. Members of the county board of education shall receive ten cents per mile for traveling from his or her residence to the county seat; provided, that mileage be not allowed for more than two meetings in any one month.

Sec. 170. In counties of the thirteenth class the county and township officers shall receive, as full compensation for the services required of them by law or by virtue of their offices, the following fees and salaries:

1. The county clerk, twenty-eight hundred dollars per annum.

2. The sheriff, thirty-five hundred dollars per annum, and mileage for the service of any and all processes required by law to be served by him, at the rate of five cents per mile for every mile necessarily traveled in the performance of his duty or in the serving of papers of any kind.

3. The recorder, twenty-six hundred dollars per annum.

4. The auditor, fifteen hundred dollars per annum.

5. The treasurer, eighteen hundred dollars per annum.

6. The tax collector, eighteen hundred dollars per annum.

7. The assessor, eighteen hundred dollars per annum.

8. The district attorney, two thousand dollars per annum.

9. The coroner, such fees as are now or may be hereafter allowed by law.

10. The public administrator, such fees as are now or may be hereafter allowed by law.

11. The superintendent of schools, eighteen hundred dollars per annum, and actual traveling expenses when visiting the schools of his county.

12. The surveyor, such fees as are now or may be hereafter allowed by law.

13. Each supervisor. Each member of the board of supervisors, six hundred dollars per annum and actual mileage to and from the county seat while in the discharge of his official duties, and mileage as road commissioner, fifteen cents per mile, one way; provided, the amount of mileage for each supervisor shall not exceed the sum of three hundred dollars in any one year.

14. For the purpose of regulating the compensation of justices of the peace and constables, judicial townships in this class of counties, are hereby classified according to their population, as follows:

Townships containing a population of six thousand five hundred or more shall belong to and be known as townships of the first class; townships containing a population of less than six thousand five hundred and more than four thousand five hundred shall belong to and be known as townships of the second class; townships containing

a population of less than four thousand five hundred and more than two thousand five hundred shall belong to and be known as townships of the third class; townships containing a population of less than two thousand five hundred and more than one thousand, shall belong to and be known as townships of the fourth class; townships containing a population of less than one thousand and more than eight hundred shall belong to and be known as townships of the fifth class; townships containing a population of less than eight hundred shall belong to and be known as townships of the sixth class. The population of the several judicial townships shall be determined for the purpose of this and the succeeding section, by multiplying by five the total vote cast in such townships for governor at the last general election held November fourth, nineteen hundred and two, as indicated by the official election returns of said election.

15. Justices of the peace shall receive the following fees and salaries, which shall be paid monthly in the same manner as the salaries of the county officers are paid, out of the general fund of the county, which shall be in full for all services rendered by them in criminal cases; provided, however, that if two justices of the peace shall be elected and qualify in any one township, then the said justices shall each receive one half of the salary therein provided for, to wit:

In townships of the first class, seventy-five dollars per month; in townships of the second class, fifty dollars per month; in townships of the third class, twenty-five dollars per month; in townships of the fourth class, fifteen dollars per month; in townships of the fifth class, five dollars per month; in townships of the sixth class, such fees as are now or may hereafter be allowed by law.

Each justice must pay in to the county treasurer once a month all fines collected by him. In addition to the monthly salaries herein allowed, each justice may receive and retain for his own use, such fees as are now or may hereafter be allowed by law for services rendered by him in civil cases; justices of the peace of the first and second classes shall be allowed their actual office rent, not to exceed the sum of fifteen dollars each for any one month.

Constables shall receive the following fees and salaries which shall be paid monthly in the same manner as the

salaries of the county officers are paid out of the general fund of the county, and which shall be in full for all services rendered by them in criminal cases, to wit:

In townships of the first class, thirty dollars per month; in townships of the second class, thirty dollars per month; in townships of the third class, twenty dollars per month; in townships of the fourth class, fifteen dollars per month; in townships of the fifth class, five dollars per month; in townships of the sixth class, such fees as are now or may hereafter be allowed by law; provided, that in addition to the salary herein allowed, each constable shall be paid out of the treasury of the county for traveling expenses outside of his own township, for the service of a warrant of arrest or any other process in a criminal case (where such service is in fact made) both going and returning ten cents per mile; for each mile traveled out of his county, both going to and returning from the place of arrest or other service of process, five cents per mile; for transporting prisoners to the county jail a constable shall be allowed his actual expenses each way. In addition to the monthly salary allowed him herein, each constable shall receive for his own use, in civil cases, the fees which are now or may hereafter be allowed by law.

The compensations herein provided for justices of the peace and constables shall take effect and be in force on and after the first Monday in April, nineteen hundred and three.

16. The official reporter of the superior court shall receive the fees allowed by law.

17. The compensation allowed each officer above enumerated shall be in full for all services, and shall include the pay of all deputies, (except in the case of the district attorney wherein one deputy is provided for within the discretion of the board of supervisors) and copyists that may be needed in their respective offices whenever the same are allowed in any way except as provided in section two hundred and fifteen of the County Government Act, approved eighteen hundred and ninety-seven, wherein it provides certain fees and commissions for the assessor and license collector. [Amendment approved March 19, 1903; Stats. 1903, 227. In effect immediately.]

Sec. 171. In counties of the fourteenth class the county officers shall receive, as compensation for the services

required of them by law, or by virtue of their offices, the following salaries, to wit:

1. The county clerk, two thousand four hundred dollars per annum.
2. The sheriff, three thousand five hundred dollars per annum.
3. The recorder, eighteen hundred dollars per annum.
4. The auditor, two thousand two hundred dollars per annum.
5. The treasurer, eighteen hundred dollars per annum.
6. The tax collector and license collector, two thousand two hundred dollars per annum.
7. The assessor, two thousand four hundred dollars per annum.
8. The district attorney, eighteen hundred dollars per annum.
9. The coroner, such fees as are now or may be hereafter allowed by law.
10. The public administrator, such fees as are now or may be hereafter allowed by law.
11. The superintendent of schools, eighteen hundred dollars per annum, and actual traveling expenses when visiting the schools of his county.
12. The surveyor, such fees as are now or may be hereafter allowed by law.
13. Justices of the peace, such fees as are now or may be hereafter allowed by law.
14. Each member of the board of supervisors, five hundred dollars per annum, and ten cents per mile mileage in traveling to and from his residence to the county seat, and for his services as road commissioner he shall receive twenty cents per mile for all distances actually traveled by him in the performance of his duties; provided, he shall not in any one year receive more than six hundred dollars as such road commissioner.
15. In counties of this class the official reporter of the superior court shall receive, as full compensation for taking notes in civil and criminal cases tried in said court, and for preliminary examination in justices' courts, a monthly salary of sixty dollars, payable out of the county treasury at the same time and in the same manner as the salaries of county officers; and for transcription of said notes, when required, he shall receive the sum of ten

cents per folio for the original and five cents per folio for a copy; said compensation for transcription in criminal cases to be audited and allowed by the board of supervisors as other claims against the county, and paid out of the county treasury, and in civil cases to be paid by the party ordering the same, when ordered by the judge by either party, or jointly by both parties, as the court may direct. [Amendment approved March 23, 1901; Stats. 1901, p. 725. In effect 12 M. on first Monday after January 1, 1903.]

Sec. 172. In counties of the fifteenth class the county officers shall receive as compensation for the services required of them by law or by virtue of their offices, the following salaries, to wit:

1. The county clerk, thirty-two hundred and fifty dollars per annum.

2. The sheriff, four thousand dollars per annum; and such mileage as is now allowed by law and also all fees for service of papers in actions arising outside of his county.

3. The recorder, thirty-two hundred and fifty dollars per annum.

4. The auditor, two thousand dollars per annum.

5. The treasurer, fifteen hundred dollars per annum.

6. The tax collector, two thousand dollars per annum.

7. The superior judge, three thousand dollars per annum.

8. The assessor, thirty-five hundred dollars per annum; provided, that in counties of this class there shall be seven field deputy assessors, who shall be appointed by the assessor of said county, and who shall hold office from twelve o'clock meridian from the first Monday in March of each year up to twelve o'clock meridian of the first Monday of July of each year; the salaries of each of said seven deputy assessors herein provided for is fixed at the sum of one hundred dollars per month, to include horse hire and traveling expenses for each month during which they hold office as herein provided, which said salaries shall be paid by said county at the same time and in the same manner and out of the same fund as the salary of the assessor; provided, that all commissions shall be paid into the county treasury.

9. The district attorney, twenty-five hundred dollars per annum.

10. The coroner, such fees as are now or may be hereafter allowed by law.

11. The public administrator; such fees as are now or may be hereafter allowed by law.

12. The superintendent of schools, twenty-two hundred and fifty dollars per annum, and actual traveling expenses when visiting the schools of the county, and keep his office open on all business days.

13. The surveyor, eight dollars per day while actually employed by the county.

14. Justices of the peace, such fees as are now or may be hereafter allowed by law.

15. Constables, such fees as are now or may be hereafter allowed by law.

16. Supervisors, five hundred dollars each per annum, and mileage at the rate of ten cents per mile in going to and coming from the place of meeting of the board, not more than four board meetings per month; and as road commissioner, four dollars per day, not to exceed two hundred dollars per year in the aggregate.

17. In counties of this class the official reporter of the superior court shall receive, as full compensation for taking notes, when his services are demanded, in civil cases, and in all criminal cases and matters tried or heard in said court, and when requested by the district attorney, for preliminary examinations in justices' courts, and inquests, a monthly salary of fifty dollars, payable out of the county treasury at the same time and in the same manner as the salaries of county officers; and for transcription of said notes, when required, he shall receive not to exceed the sum of ten cents per folio for the original, and not to exceed five cents a folio for a copy; said compensation for transcription in criminal cases to be audited and allowed by the board of supervisors as other claims against the county, and paid out of the county treasury, and in civil cases to be paid by the party ordering the same, or, when ordered by the judge, by either party, or jointly by both parties, as the court may direct. It is further provided, that in each civil case reported by the official reporter there shall be taken as costs in the case seven dollars and fifty cents per diem for each day of the trial thereof. Such per diem fee shall be paid to the clerk of the court in advance by the party requesting the service of the re-

porter, and where his services are requested by more than one party, then such fees shall be paid in equal proportion by each of such parties. All per diem fees so collected shall be paid by said clerk into the treasury of the county in which the case is tried. [Amendment approved March 28, 1901; Stats. 1901, 726. In effect 12 M. on first Monday after January 1, 1908.]

Sec. 173. In counties of the sixteenth class the county officers shall receive, as compensation for the services required of them by law or by virtue of their offices, the following salaries, to wit:

1. The county clerk, three thousand dollars per annum.
2. The sheriff, thirty-five hundred dollars per annum. The sheriff shall also receive, in all civil cases, for his own use and benefit, the fees, commissions, and mileage, which are now or which may hereafter be allowed by law, and the fees or commissions for the service of all papers whatsoever issued by any court of the state outside of his county.
3. The recorder, twenty-nine hundred dollars per annum.
4. The auditor, eighteen hundred dollars per annum.
5. The treasurer, eighteen hundred dollars per annum.
6. The tax collector, fifteen hundred dollars per annum, and five per cent on all licenses collected by him as license collector.
7. The assessor, thirty-four hundred dollars per annum.
8. The district attorney, eighteen hundred dollars per annum; provided, that he shall have the power to appoint one deputy district attorney at a salary of one thousand dollars per annum, payable in the same manner as that of other county officers.
9. The coroner, such fees as are now or may be hereafter allowed by law.
10. The public administrator, such fees as are now or may be hereafter allowed by law.
11. The superintendent of schools, sixteen hundred and fifty dollars per annum, and actual traveling expenses when visiting the schools of his county, but he shall receive no extra compensation for his services on the board of education.
12. The surveyor, such fees as are now or may be hereafter allowed by law.
13. The justices of the peace shall receive the following

monthly salaries, to be paid each month as salaries of the county officers are paid, which shall be in full for all services rendered by them in criminal cases: In townships having a population of five thousand or more, fifty dollars per month; in townships having a population of twenty-five hundred and less than five thousand, thirty-five dollars per month; in townships having a population of fifteen hundred and less than twenty-five hundred, twenty-five dollars per month; in townships having a population of one thousand and less than fifteen hundred, twenty dollars per month; in townships having a population of seven hundred and less than one thousand, fifteen dollars per month; in townships having a population of less than seven hundred, ten dollars per month. Each justice must pay into the county treasury, once a month, all fines collected by him. In addition to the monthly salary allowed herein, each justice may receive for his own use such fees as are now or may be hereafter allowed by law for all services performed by him in civil actions.

14. Constables shall receive the following salaries, to be paid each month as salaries of the county officers are paid, which shall be in full for all services rendered by them in criminal cases: In townships having a population of five thousand or more, fifty dollars per month; in townships having a population of twenty-five hundred and less than five thousand, forty dollars per month; in townships having a population of fifteen hundred and less than twenty-five hundred, thirty dollars per month; in townships having a population of one thousand and less than fifteen hundred, twenty-five dollars per month; in townships having a population of seven hundred and less than one thousand, twenty dollars per month; in townships having a population of less than seven hundred, fifteen dollars per month; provided, that in addition to the salary herein allowed, each constable shall be paid out of the treasury of the county for traveling expenses outside of his own township, for the service of a warrant of arrest, or any other process in a criminal case (when such service is, in fact, made), both going and returning, ten cents per mile; for each mile traveled out of his county, both going to and returning from the place of arrest or other service of process, five cents per mile; for transporting prisoners to the county jail, ten cents a mile each way. In addition

to the monthly salary allowed him herein each constable may receive for his own use in civil cases the fees which are now or may hereafter be allowed by law.

15. The supervisors, each the sum of five dollars per day for actual service, together with mileage at the rate of twenty cents per mile, in going only, from the residence to the county seat, at each session of the board, but not to exceed in the aggregate six hundred dollars per annum, exclusive of mileage.

16. For the purposes of subdivisions thirteen and fourteen of this section, the population of the several judicial townships shall be ascertained by the board of supervisors, by multiplying by five the vote for presidential electors cast in each township at the next preceding election. [Amendment approved March 23, 1901; Stats. 1901, 728. In effect 12 M. on first Monday after January 1, 1903.]

Sec. 174. In counties of the seventeenth class the county officers shall receive, as compensation for the services required of them by law or by virtue of their offices, the following salaries, to wit:

1. The county clerk, two thousand five hundred dollars per annum; provided, that in counties of this class there shall be and is hereby allowed to the county clerk a courtroom deputy, who shall be appointed by the county clerk and paid a salary of one hundred dollars per month, said salary to be paid by said county in monthly installments, at the same time and in the same manner and out of the same fund as the salary of the county clerk is paid.

2. The sheriff, six thousand dollars per annum.

3. The recorder, two thousand eight hundred dollars per annum.

4. The auditor, one thousand eight hundred dollars per annum.

5. The treasurer, one thousand five hundred dollars per annum.

6. The tax collector, two thousand dollars per annum.

7. The assessor, two thousand five hundred dollars per annum; provided, that in counties of this class there shall be and is hereby allowed to the assessor one deputy, for a period of four months during each fiscal year, who shall be appointed by said assessor, and be paid a salary of seventy-five dollars per month, said salary to be paid by said county in monthly installments, at the same time and

in the same manner and out of the same fund as the salary of the assessor is paid.

8. The district attorney, two thousand five hundred dollars per annum; provided, that in counties of this class there shall be and is hereby allowed to the district attorney a deputy, who shall be appointed by said district attorney, and who shall be paid the following salary, to wit: fifty dollars per month, said salary to be paid by said county in monthly installments, at the same time and in the same manner and out of the same fund as the salary of the district attorney is paid.

9. The coroner, such fees as are now or may be hereafter allowed by law.

10. The public administrator, such fees as are now or may be hereafter allowed by law.

11. The superintendent of schools, one thousand eight hundred dollars per annum and actual traveling expenses when visiting the schools of his county.

12. The county surveyor shall receive twelve hundred dollars per annum and necessary cost of transportation to and from, and necessary expense in the field while engaged on public work.

13. Justices of the peace, such fees as are now or may be hereafter allowed by law; provided, that in townships having a population of over six thousand, as shown by the United States census of nineteen hundred, in lieu of fees in criminal cases, and in full compensation for all services rendered in criminal cases, justices of the peace shall receive a salary of ninety dollars per month, payable at the same time and in the same manner as the salary of other county officers.

14. Constables, such fees as are now or may be hereafter allowed by law; provided, that in townships having a population of over six thousand, as shown by the United States census of nineteen hundred, in lieu of fees in criminal cases and in full compensation for all services rendered in criminal cases, constables shall receive a salary of seventy-five dollars per month, payable at the same time and in the same manner as salaries of other county officers; provided further, that in addition to the monthly salary herein allowed, constables of townships of over six thousand inhabitants shall also be allowed all necessary expense actually incurred outside of their township, in pursu-

ing and conveying prisoners to court or to prison, and said expense shall be audited and allowed by board of supervisors and paid out of the county treasury.

15. Each supervisor, six hundred dollars per annum, and twenty cents per mile for traveling from his residence to the county seat; and as road commissioner, four dollars per day, not to exceed two hundred dollars per annum in the aggregate.

16. In counties of this class the official reporter of the superior court shall receive, as full compensation for taking notes in civil and criminal cases tried in said court, a monthly salary of one hundred and twenty-five dollars, payable out of the county treasury at the same time and in the same manner as the salaries of county officers; and for transcription of said notes, when required, he shall receive the sum of ten cents per folio for the original and five cents per folio for a copy; said compensation for transcription in criminal cases to be audited and allowed by the board of supervisors as other claims against the county, and paid out of the county treasury, and in civil cases to be paid by the party ordering the same, or, when ordered by the judge, by either party, or jointly by both parties, as the court may direct.

17. This section, so far as it relates to the compensation of justices of the peace and constables, shall take effect immediately. [Amendment approved March 23, 1901; Stats. 1901, 729. In effect 12 M. on first Monday after January 1, 1903, except as specified above.]

Sec. 175. In counties of the eighteenth class the county officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit:

1. The county clerk, four thousand dollars per annum.
2. The sheriff, six thousand five hundred dollars per annum, and mileage for the service of any and all processes required by law to be served by him, at the rate of ten cents per mile for every mile necessarily traveled in the performance of such duty.
3. The recorder, one thousand six hundred fifty dollars per annum, and six cents per folio for every instrument of any character transcribed by him or his deputies, which said amounts shall be paid by the county treasurer out of the county treasury.

4. The auditor, eighteen hundred dollars per annum.
5. The treasurer, two thousand dollars per annum.
6. The tax collector, three thousand six hundred dollars per annum; provided, that as such tax collector, or as ex-officio license collector, he shall not have or receive any compensation for, or percentage upon the collection of any license.
7. The assessor, three thousand six hundred dollars per annum.
8. The district attorney, three thousand two hundred dollars per annum.
9. The coroner, such fees as are now or may be hereafter allowed by law.
10. The public administrator, such fees as are now or may be hereafter allowed by law.
11. The superintendent of schools, one thousand eight hundred dollars per annum, and actual traveling expenses when visiting the schools of his county.
12. The surveyor, such fees as are now or may be hereafter allowed by law.

13. Justices of the peace shall receive the following monthly salaries, to be paid each month as salaries of county officers are paid, which shall be in full compensation for all services rendered as hereinafter provided:

In townships having a population of three thousand or more, eighty-five dollars per month, which said salary shall be in full compensation for all services rendered by said justices of the peace in both civil and criminal cases, and all such fees as are allowed by law in civil cases shall be paid by said justices of the peace into the county treasury, as the fees of county officers are paid in.

In townships having a population of not less than two thousand and under three thousand, thirty dollars per month, which shall be in full compensation for all services rendered in criminal cases. In addition to the above salary each justice of the peace shall collect and retain for his own use and benefit in civil cases, such fees as are now or may be hereafter allowed by law.

In townships having a population of not less than one thousand and under two thousand, twenty dollars per month, which shall be in full compensation for all services rendered in criminal cases. In addition to the above salary each justice of the peace shall collect and retain for his

own use and benefit in civil cases, such fees as are now or may be hereafter allowed by law.

In townships having a population of less than one thousand, fifteen dollars per month, which shall be in full compensation for all services rendered in criminal cases. In addition to the above salary each justice of the peace shall collect and retain for his own use and benefit in civil cases, such fees as are now or may be hereafter allowed by law.

14. Constables shall receive the following monthly salaries, to be paid each month as salaries of county officers are paid, which shall be in full compensation for all services rendered by them in criminal cases: In townships having a population of more than three thousand, fifty dollars per month. In addition to the monthly salary allowed herein, each constable may collect and retain for his own use such fees as are now or may be hereafter allowed by law for all services performed by him in civil actions. In townships having a population of not less than two thousand and under three thousand, forty dollars per month. In addition to the monthly salary allowed herein, each constable may collect and retain for his own use such fees as are now or may be hereafter allowed by law for all services performed in civil cases. In townships having a population of not less than one thousand and under two thousand, twenty-five dollars per month. In addition to the monthly salary allowed herein, each constable may collect and retain for his own use such fees as are now or may be hereafter allowed by law for all services performed in civil cases. In addition to the monthly salary allowed herein, each constable shall also be allowed ten cents per mile one way as mileage for each mile necessarily traveled in the execution of all criminal process.

15. It shall be the duty of each and every constable and justice of the peace to file, on or before the first Monday of each and every month, a full and complete statement, showing all business both civil and criminal done during

the preceding month with the board of supervisors, and shall file same on or before said date above mentioned with the clerk of said board. The statement of the constables shall contain a full and correct account of all process served in both civil and criminal actions, also in criminal cases places where defendants were arrested, together with the mileage. And justices of the peace shall file a full and correct statement of all civil and criminal actions and fees received therefrom. Said statements to be sworn to either before the county clerk or some officer allowed by law to administer oaths.

16. The board of supervisors shall determine the population of each township for the purpose of fixing the salary of the township officers aforesaid.

17. The provisions of section one hundred and seventy-five shall be in force from and after the passage of this act.

18. Each supervisor, one thousand dollars per annum, for all services performed by them as supervisors, and members of the board of equalization, and as road commissioner.

19. In counties of this class the official reporter of the superior court shall receive, as full compensation in taking notes in civil and criminal cases tried in said court, a monthly salary of one hundred and twenty-five dollars, payable out of the county treasury at the same time and in the same manner as the salaries of county officers; and for transcription of said notes, when required, he shall receive the sum of ten cents per folio for the original and five cents per folio for a copy; said compensation for transcription in criminal cases to be audited and allowed by the board of supervisors, as other claims against the county, and paid out of the county treasury, and in civil cases to be paid by the party ordering the same, or, when ordered by the judge, by either party, or jointly by both parties, as the court may direct. Whenever the services of a reporter are demanded in a civil action or proceeding, he shall collect in advance from the parties thereto, and pay into the county treasury the sum of five dollars for each day's services in taking notes.

No fees shall be allowed the sheriff or tax collector for collecting licenses in counties of this class. [Amendment approved March 23, 1901; Stats. 1901, 731. In effect 12 M. on first Monday after January 1, 1903.]

Sec. 176. In counties of the nineteenth class the county officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit:

1. The county clerk, thirty-two hundred and fifty dollars per annum; provided, that in counties of this class there shall be one deputy county clerk, who shall be appointed by the county clerk, and paid a salary of seventy-five dollars per month, said salary to be paid by the said county in monthly installments, at the same time and in the same manner and out of the same fund as the salary of the county clerk is paid.

1½. A registration clerk to be appointed by the county clerk and hold office during the pleasure of the county clerk, at a salary of seventy-five dollars per month, payable out of the same fund and in the same manner as the salary of other county officers is paid.

2. The sheriff, five thousand dollars per annum, and such mileage as is now allowed by law; all expenses incurred in criminal cases, and also all fees for services of papers in actions arising outside of his county, and the sum of thirty-seven and one half cents per day for feeding each prisoner committed to his custody; and one deputy sheriff, to act as jailer, who shall be appointed by the sheriff, and be paid a salary of fifty dollars per month, said salary to be paid by the said county in monthly installments, at the same time and in the same manner and out of the same fund as the salary of the sheriff is paid.

3. The recorder, thirty-two hundred and fifty dollars per annum, and ten cents per name for inserting each name (as grantor or grantee), in the general index; the cost thereof shall be a charge against the county and payable out of the general fund.

4. The auditor, two thousand dollars per annum.

5. The treasurer, eighteen hundred dollars per annum; provided, however, that the bond of the treasurer shall be executed with a reliable bond and security company, and that the cost of said bond, when duly approved, shall be a charge against the county and payable out of the general fund.

6. The tax collector, eighteen hundred dollars per annum; and as license collector, ten per cent on all licenses collected.

7. The assessor, thirty-two hundred and fifty dollars per annum; provided, that in counties of this class there shall be one deputy assessor, who shall be appointed by the assessor, to hold office during the months of March, April, May and June in each year, and to be paid a salary of seventy-five dollars per month, during said four months, said salary to be paid by the said county in monthly installments, at the same time and in the same manner and out of the same fund as the salary of the assessor is paid.

8. The district attorney, twenty-five hundred dollars per annum.

9. The coroner, such fees as are now or may be hereafter allowed by law.

10. The public administrator, such fees as are now or may be hereafter allowed by law.

11. The superintendent of schools, eighteen hundred dollars per annum, and actual traveling expenses when visiting the schools of his county.

12. The surveyor, such fees as are now or may be hereafter allowed by law.

13. Justices of the peace shall receive the following monthly salaries, to be paid each month as the salaries of county officers are paid, which shall be in full for all services rendered by them in criminal cases: In townships having a population of three thousand or more, one hundred dollars a month; in townships having a population of twenty-five hundred and less than three thousand, fifty dollars per month; in townships having a population of two thousand and less than twenty-five hundred, forty-five dollars per month; in townships having a population of twelve hundred and less than two thousand, forty dollars per month; in townships having a population of one thousand and less than twelve hundred, twenty dollars a month; in townships having a population of four hundred and fifty and less than one thousand, fifteen dollars a month; in townships having a population of less than four hundred and fifty, five dollars a month. Each justice must pay into the county, once a month, all fines collected by him in criminal cases, and the auditor [must] withhold warrant for salary until a sworn statement has been filed with him of all criminal cases tried and fines collected and paid into the county treasury. In addition to the monthly salary allowed herein, each justice may receive for his

own use in civil cases the fees allowed by law. For all services appertaining to the coroner's office which the coroner is unable to attend to, the justice of the peace shall receive the same fees as allowed the coroner in similar cases.

14. Constables shall receive the following salaries to be paid each month as the salaries of county officers are paid, which shall be in full for all services rendered by them in criminal cases: In townships having a population of three thousand or more, one hundred dollars a month; in townships having a population of twenty-five hundred and less than three thousand, eighty dollars a month; in townships having a population of two thousand and less than twenty-five hundred, seventy-seven and one half dollars a month; in townships having a population of twelve hundred and less than two thousand, seventy-five dollars a month; in townships having a population of one thousand and less than twelve hundred, thirty-five dollars a month; in townships having a population of four hundred and fifty and less than one thousand, twenty-five dollars a month; in townships having a population of less than four hundred and fifty, five dollars a month; provided, further, that in addition to the salary herein allowed, each constable shall be paid out of the treasury of the county for traveling expenses outside of his township for service of a warrant of arrest or any other paper in a criminal case, such fees as are now or may be hereafter allowed by law. For transporting prisoners to the county jail, the actual expense of such transportation. In addition to the monthly salary allowed him herein, each constable may receive for his own use in civil cases the fees allowed by law.

15. The population of the several judicial townships for the purpose of fixing the compensation of township officers shall be ascertained and declared by the board of supervisors on the first Monday after the first day of January, nineteen hundred and three, and on the first Monday after the first day of January every succeeding two years thereafter.

16. Each member of the board of supervisors, nine hundred dollars per annum; and as road commissioner, three hundred dollars per annum.

17. Grand jurors or trial jurors in criminal cases in the

superior court shall receive, as compensation for each day's attendance, per day, three dollars; and for each mile actually traveled, in attending court as a grand juror or juror in a criminal case, in the superior court, in going only, per mile, fifteen cents. The county clerk shall certify to the auditor the number of day's attendance and the number of miles traveled by each juror, and the auditor shall draw his warrant for the amount to which each juror is entitled, and the treasurer shall pay the same. [Amendment approved March 16, 1908; Stats. 1903, 173. In effect immediately.]

Sec. 177. In counties of the twentieth class, county officers shall receive as compensation for the services required of them by law or by virtue of their offices, the following salaries, to wit:

1. The county clerk, three thousand two hundred dollars per annum; provided, that in years when a great register is ordered the county clerk shall receive in addition to his regular salary the sum of five hundred dollars for such service.

2. The sheriff, forty-three hundred dollars per annum, and all commissions, fees, and mileage for the service of papers or process coming from courts other than those of his own county.

3. The recorder, twelve hundred dollars per annum, and six cents per folio for every instrument of any character transcribed by him or his deputies, and five cents for each name indexed, which said amount shall be paid out of the county treasury, and which payment shall be in full for all services, including the recording of mining claims.

4. The auditor, two thousand two hundred dollars per annum. The county auditor shall charge and collect, for the clerical labor of making estimates of tax sales, provided for in section thirty-eight hundred and seventeen of the Political Code, the sum of twenty-five cents for each tax sale, if the property is delinquent for two years or less; and the sum of fifty cents for each sale if said property is delinquent for more than two years. If said estimates are returned to the auditor and redemption made within twenty days from the date of issue and prior to the charge of penalties as provided in section thirty-eight hundred and seventeen of the Political Code, the amounts

charged for making said estimates shall be refunded to the redemptioner; if redemption is not made as herein provided, then the sums charged for making the estimates shall be retained by the auditor for his services of making said estimates.

5. The treasurer, eighteen hundred dollars per annum.

6. The tax collector, twenty-five hundred dollars per annum.

7. The assessor, forty-eight hundred dollars per annum, which shall be in full for all work in his office and for his field deputies.

8. The district attorney, eighteen hundred dollars per annum.

9. The coroner, such fees as are now or may be hereafter allowed by law.

10. The public administrator, such fees as are now or may be hereafter allowed by law.

11. The superintendent of schools, two thousand dollars per annum, including services on board of education. His office shall be kept open on all business days from two to five P. M. He shall be allowed his actual traveling expenses when visiting the schools of his county.

12. The surveyor, fifteen hundred dollars per annum, and his actual traveling expenses when in the field. He shall receive eight dollars per day when engaged in official work other than county business.

13. Justices of the peace shall receive the following monthly salaries, to be paid each month, as salaries of the county officers are paid, which shall be in full for all services rendered by them in criminal cases: In townships having a population of eight thousand or more, seventy-five dollars per month; in townships having a population of six thousand and less than eight thousand, fifty dollars per month; in townships having a population of four thousand and less than six thousand, twenty-five dollars per month; in townships having a population of two thousand and less than four thousand, fifteen dollars per month; in townships having a population of one thousand and less than two thousand, ten dollars per month; in townships having a population of less than one thousand, five dollars per month. Each justice must pay into the county treasury, once a month, all fines collected by him in criminal cases, and the auditor shall withhold warrant

for salary until a sworn statement has been filed with him of all criminal cases tried and fines collected and paid into the county treasury. In addition to the monthly salary allowed herein, each justice may receive for his own use in civil cases the fees allowed by law. For all services appertaining to the coroner's office which the coroner is unable to attend to, the justice of the peace shall receive the same fees as are allowed the coroner in similar cases.

14. Constables shall receive the following monthly salaries, to be paid each month as the salaries of county officers are paid, which shall be in full for all services rendered by them in criminal cases: In townships having a population of eight thousand or more, seventy-five dollars a month; in townships having a population of six thousand and less than eight thousand, fifty dollars a month; in townships having a population of four thousand and less than six thousand, twenty-five dollars a month; in townships having a population of two thousand and less than four thousand, fifteen dollars a month; in townships having a population of one thousand, and less than two thousand, ten dollars a month; in townships having a population of less than one thousand, five dollars a month; provided further, that in addition to the salary herein allowed, each constable shall be paid out of the treasury of the county for traveling expenses outside of his own township, for service of a warrant of arrest, or any other paper in a criminal case, both going and returning, ten cents per mile; for each mile traveled out of his county, both going and returning from the place of arrest or other service, five cents per mile. For transporting prisoners to the county jail, the actual cost of such transportation. In addition to the monthly salary allowed him herein, each constable shall receive for his own use in civil cases the fees allowed by law.

15. The population of the several judicial townships shall be determined by the last United States census, and in case townships are formed after the taking of the census then the population shall be determined by multiplying the vote for presidential electors cast in such township at the last preceding general election by five.

16. Each supervisor, five hundred dollars per annum, and fifteen cents per mile one way for traveling from his residence to the county seat; provided, that not more

than four mileages shall be allowed in any one month. When serving as road commissioner, such fees as are now or may be hereafter allowed by law.

17. In counties of this class the official reporter of the superior court shall receive as full compensation for taking notes in civil and criminal cases tried in said court, and for taking notes of the proceedings and testimony at all coroner's inquests in the county, when requested by the coroner, and for taking notes of the testimony and proceedings in all examinations before committing magistrates, when requested by the district attorney, a monthly salary of one hundred dollars, payable out of the county treasury, at the same time and in the same manner as the salaries of county officers; and for transcription of said notes when required he shall receive the sum of five cents per folio for the original and five cents per folio for copy, said compensation for transcription in criminal cases, coroner's inquests, and preliminary examinations to be audited and allowed by the board of supervisors as other claims against the county and paid out of the county treasury, and in civil cases to be paid by the party ordering the same, or when ordered by the judge by either party, or jointly by both parties, as the court may direct. When necessary for such reporter to travel away from the county seat in the performance of his duty, he shall receive his actual and necessary traveling expenses, to be allowed and paid by the board of supervisors as are other county charges.

18. The provisions of this section shall take effect and be in full force from and after the passage of this act. [Amendment approved March 23, 1901; Stats. 1901, 736.]

Sec. 177½. In counties of the twentieth class the treasurer may appoint one deputy, who shall receive from the county a salary of forty dollars (\$40.00) per month, to be paid by such county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the treasurer. [New section added March 16, 1903; Stats. 1903, 156. In effect immediately.]

Sec. 178. In counties of the twenty-first class county officers shall receive, as compensation for the services required of them by law or by virtue of their offices, the following salaries, to wit:

1. The county clerk, three thousand dollars per annum,

and when a great register of votes is ordered he shall receive six hundred and fifty dollars additional, which shall be in full for all services rendered in registering votes and making the great register.

2. The sheriff, six thousand dollars per annum. The sheriff shall also receive for his own use, for serving all papers issued from justices' courts, the same fees as are now or may be hereafter allowed by law to constables for like service.

3. The recorder, three thousand two hundred dollars per annum.

4. The auditor, eight hundred dollars per annum.

5. The treasurer, two thousand five hundred dollars per annum.

6. The tax collector, six hundred and fifty dollars per annum.

7. The assessor, five thousand five hundred dollars per annum.

8. The district attorney, two thousand five hundred dollars per annum; and the district attorney may appoint one deputy, which office is hereby created, at a salary of six hundred dollars per annum. The deputy district attorney to hold office at the pleasure of the district attorney. The salary of such deputy to be paid monthly and in the same manner as salaries of county officers are now paid.

9. The coroner, such fees as are now or may hereafter be allowed by law.

10. The public administrator, four hundred dollars per annum.

11. The superintendent of schools, two thousand dollars per annum; provided, if he shall engage in any other occupation during his term of office his salary shall only be six hundred dollars per annum.

12. The surveyor, such fees as are now or may be hereafter allowed by law.

13. Each member of the board of supervisors shall receive for his services the sum of nine hundred dollars per annum, and twenty cents per mile in traveling to and from his residence to the county seat; provided, that no more than one mileage at any one term of the board shall be allowed, and that one fourth of the annual salary

shall be paid at the close of each quarterly session of the board..

14. Justices of the peace, such fees as are now or may be hereafter allowed by law; provided, that justices of the peace of townships containing four thousand five hundred inhabitants or more shall be allowed a salary of six hundred dollars per annum, payable monthly and in the same manner as salaries of county officers are paid, and shall be in full for all services rendered by him in criminal cases; provided further, that justices of the peace shall, before receiving their monthly salary, file with the auditor a statement of all fines received, together with the treasurer's receipt for same. All fines collected by justices of the peace shall be turned over to the county treasurer of said county within ten days after receipt of same; provided, that all fines collected for city offenses shall be turned over to the city treasurer of the city where the offense shall have been committed. In addition to the monthly salaries herein allowed, each justice of the peace may receive and retain for his own use such fees as are now or may be hereafter allowed by law, for all services rendered by him in civil actions.

15. Constables, such fees as are now or may be hereafter allowed by law; provided, that constables of townships containing four thousand five hundred inhabitants or more shall be allowed a salary of four hundred and eighty dollars per annum, payable monthly and in the same manner as county officers are paid, and shall be in full for all services rendered by them in criminal cases. In addition to the monthly salary herein allowed, each constable may receive and retain for his own use such fees as are now or may hereafter be allowed by law, for all services rendered by him in civil actions.

16. In counties of this class the official reporter of the superior court shall receive such fees as are now or may be hereafter allowed by law, and when necessary for such reporter to travel away from the county seat in the performance of his duty, he shall receive his actual and necessary traveling expenses, to be allowed and paid by the board of supervisors as are other county charges.

17. All portions of this section referring to the county clerk, auditor, sheriff, deputy district attorney, justices of the peace, constables, and court reporter, in so far as their

salaries or fees are concerned, shall take effect and be in full force from and after the passage of this act.

18. In counties of this class grand jurors and jurors in the superior court shall each receive for each day's attendance the sum of three dollars, and for each mile actually and necessarily traveled from their residence to the county seat the sum of twenty-five cents; said mileage to be allowed but once during each session such jurors are required to attend. [Amendment approved March 23, 1901; Stats. 1901, 739. In effect 12 M. on first Monday after January 1, 1903.]

Sec. 179. In counties of the twenty-second class the county officers shall receive, as compensation for the services required of them by law or by virtue of their offices, the following salaries, to wit:

1. The county clerk, three thousand dollars per annum, and when a new great register of voters is ordered, he shall receive three hundred dollars additional, which shall be in full for all services required in registering voters and making the great register.

2. The sheriff, fifty-one hundred dollars per annum, which includes the fifteen hundred dollars heretofore allowed the under-sheriff. He shall also have for his own use all fees for service of all papers served by him and issued without his county. The said fifty-one hundred dollars to be in full of all fees or percentages as license collector.

3. The recorder, thirty-two hundred dollars per annum, in full of all services, including filing and recording mining and other location notices.

4. The auditor, twelve hundred dollars per annum.

5. The treasurer, eighteen hundred dollars per annum.

6. The tax collector, one thousand dollars per annum.

7. The assessor, twelve hundred dollars per annum, and he is hereby allowed in addition thereto ten deputies, to be appointed by him, who shall each receive four dollars per day for not exceeding three months in any calendar year, while engaged in the performance of their duties; provided, that the amount paid for services of deputy assessors shall not exceed twenty-four hundred dollars in any one year.

8. The district attorney, twenty-one hundred dollars per annum, and he is hereby allowed in addition thereto

one deputy appointed by him, who shall receive nine hundred dollars per annum.

9. The coroner, such fees as are now or may be hereafter allowed by law.

10. The public administrator, such fees as are now or may be hereafter allowed by law.

11. The superintendent of schools, eighteen hundred dollars per annum, and necessary expenses for traveling in visiting schools in the county, to be allowed by the supervisors of the county.

12. The surveyor, such fees as are now or may be hereafter allowed by law.

13. For the purpose of regulating the compensation of justices of the peace and constables, townships in this class of counties are hereby classified according to their population, as shown by the federal census of nineteen hundred, as follows:

Townships having a population of three thousand or more shall belong to and be known as townships of the first class; townships having a population of two thousand and less than three thousand, shall belong to and be known as townships of the second class; townships having a population of one thousand six hundred and less than two thousand shall belong to and be known as townships of the third class; and townships having a population of less than one thousand six hundred shall belong to and be known as townships of the fourth class.

Justices of the peace shall receive the following salaries, which shall be paid monthly, in the same manner as the salaries of county officers are paid, out of the general fund of the county, and which shall be in full of all services rendered by them in criminal cases, to wit:

In townships of the first class, eighty-five dollars per month; in townships of the second class, seventy-five dollars per month; in townships of the third class, twenty dollars per month; and in townships of the fourth class, ten dollars per month.

In addition to the monthly salaries herein allowed for services in criminal actions, cases and examinations, each justice of the peace may, for his own use, collect the following fees, and no other, in civil actions:

Each justice of the peace shall be allowed, in civil actions before him, for all services to be performed by him

before trial, three dollars; and for the trial, and all proceedings subsequent thereto, including all affidavits, swearing of witnesses and jury, and the entry of judgment and issue of execution thereon, four dollars; and fifteen cents for each hour actually engaged in such trial after the expiration of eight hours; and in all cases where judgment is rendered by default or confession, for all services, including execution and satisfaction of judgment, three dollars.

For certificate and transmitting transcript and papers on appeal, one dollar.

For copies of papers on docket, per folio, ten cents.

For issuing a search warrant, to be paid by the party demanding the same, fifty cents.

For celebrating a marriage and returning a certificate thereof to the county recorder, three dollars.

For taking an acknowledgment of any instrument, for the first name, fifty cents; for each additional name, twenty-five cents.

For taking depositions, per folio, fifteen cents.

For all services connected with the posting of estrays, one dollar.

In cases before the justice of the peace, when the venue shall be changed, the justice before whom the action shall be brought, for all services rendered, including the making up and transmission of the transcript and papers, shall receive three dollars; and the justice of the peace before whom the trial shall take place shall receive the same fees as if the action had been commenced before him.

For performing the duties of coroner, when the coroner fails to act, the same fees and mileage as are allowed the coroner in like cases.

For issuing each process, writ, order, or paper required by law to be issued, not otherwise provided for, twenty-five cents.

For each certificate or affidavit not otherwise herein provided for, twenty-five cents.

For administering oath or affirmation not otherwise herein provided for, twenty-five cents.

For taking and approving bond or undertaking, including the justification of sureties, fifty cents.

14. Constables shall receive the following salaries, which shall be paid monthly, in the same manner as the salaries

of county officers are paid, out of the general fund of the county, and which shall be in full of all services rendered by them in criminal cases, to-wit:

In townships of the first class, one hundred dollars per month; in townships of the second class, seventy-five dollars per month; in townships of the third class, twenty dollars per month, and in townships of the fourth class, ten dollars per month. In addition to the monthly salaries herein allowed for services in criminal actions, cases and proceedings, each constable shall also be allowed all necessary expenses actually and properly incurred, in arresting and conveying prisoners to court or to prison, and also all necessary expenses actually incurred in the transportation of prisoners from prison to court, and the return of said prisoners to prison; and shall be allowed, also, for each mile actually traveled, both in going and coming, in the service of subpoenas, in criminal cases, per mile, ten cents; which said expenses and mileage shall be audited and allowed by the board of supervisors as other claims against the county are audited and allowed, and shall be paid out of the county treasury.

In addition to the monthly salaries herein allowed for services in criminal actions and cases, each constable may, for his own use, collect the following fees, and no others, in civil actions:

For serving summons and complaint, for each defendant served, fifty cents.

For each copy of summons for service, when actually made by him, twenty-five cents.

For levying writ of attachment or execution, or executing order of arrest, or for the delivery of personal property, one dollar.

For serving writ of attachment or execution on any ship, boat, or vessel, three dollars.

For keeping personal property, such sum as the court may order; but no more than one dollar and fifty cents per day shall be allowed for a keeper when necessarily employed.

For taking bond or undertaking, fifty cents.

For copies of writ and other papers, except summons, complaint, and subpoenas, per folio, ten cents; provided, that when correct copies are furnished to him for use, no charge shall be made for such copies.

For serving any writ, notice, or order, except summons, complaint, and subpoenas, for each person served, fifty cents.

For writing and posting each notice of sale of property, fifty cents.

For furnishing notice for publication, twenty-five cents.

For serving subpoenas, each witness, including copy, twenty-five cents.

For collecting money on execution, one and one half per cent.

For executing and delivering certificate of sale, fifty cents.

For executing and delivering constable's deed, one dollar and fifty cents.

For each mile actually traveled within his township in the service of any writ, order, or paper, in civil actions, in going only, per mile, twenty-five cents.

For traveling outside of his township to serve such writ, order, or paper, in civil actions, in going only, twenty-five cents per mile; provided, that a constable shall not be required to travel outside of his township to serve any civil process, order, or paper. No constructive mileage shall be charged, allowed, or paid, in criminal or civil cases.

For each day's attendance in court, in civil cases, three dollars per day.

For executing a search warrant, two dollars; and for each mile necessarily traveled within his county in executing a search warrant, both in going and returning from place of search, fifteen cents; said fee and mileage to be paid by the party demanding the search.

For summoning a jury, in civil cases, two dollars, including mileage.

For commissions for receiving and paying over money on execution without levy, or when the goods or land levied on shall not be sold, one per cent. The fees herein allowed for the levy of an execution, and for making or collecting the money on execution, shall be collected from the judgment debtor, by virtue of such execution, in the same manner as the sum herein directed to be paid.

County officers must, and township officers may, demand the payment of all fees in advance.

Justices of the peace shall, on or before the first Monday of each month, pay into the county treasury all moneys

collected by them on fines imposed and collected, and all moneys belonging to the county coming from any source.

The board of supervisors shall, within sixty days after the passage of this act, establish by ordinance, according to the provisions of subdivisions thirteen and fourteen of section twenty-six, the population of the various townships of this class of counties.

15. Each member of the board of supervisors, five hundred dollars per annum and ten cents per mile, one way, between residence and county seat, in attending upon all regular, special or adjourned meetings of the board of supervisors; provided, that the chairman of the board of supervisors may receive twenty-five cents per mile, one way, between residence and the county seat, when attending at the county seat for the single purpose of counting the money in the county treasury, as required by law.

16. In counties of this class the official reporter of the superior court shall receive, as full compensation for taking notes in civil and criminal cases tried in said court, and for preliminary examinations in justices' courts, a monthly salary of seventy-five dollars, payable out of the county treasury, at the same time and in the same manner as the salaries of county officers; and for transcription of said notes, when required, he shall receive the sum of ten cents per folio for the original, and five cents per folio for a copy; where the reporter is required to transcribe the whole or any part of his notes from day to day as the trial progresses, he shall receive, in addition to said sums heretofore provided, the further sum of five cents per folio for the original, and two and one half cents per folio for the copy. Said compensation for transcription in criminal cases to be audited and allowed by the board of supervisors as other claims against the county, and paid out of the county treasury; and in civil cases, to be paid by the party ordering the same, or, when ordered by the judge, by either party, or jointly by both parties as the court may direct; provided, that where the services of the official reporter are required, in each civil case, the sum of ten dollars per diem, for each day of the trial thereof, shall be paid to the clerk of the court, in advance, one half by each party, or in such other proportion as the court may direct; all per diem fees so collected shall be paid by the clerk into the treasury of the county. The

portion of per diem fees in each case, which were paid by the prevailing party, shall be taxed and allowed as costs in the case; provided, also, that this act, so far as it relates to the official reporter of the superior court in counties of this class, shall take effect immediately. [Amendment approved March 23, 1901. Stats. 1901, 741. In effect 12 M. on first Monday after January 1, 1903.]

Sec. 180. In counties of the twenty-third class, the county officers shall receive, as compensation for the services required of them by law or by virtue of their offices, the following salaries, to-wit:

1. The county clerk, three thousand six hundred dollars per annum; provided, that in years when a great register is ordered the county clerk shall receive in addition to his regular salary the sum of eight hundred dollars for such service.

2. The sheriff, six thousand dollars per annum.

3. The recorder, two thousand dollars per annum.

4. The auditor, one thousand two hundred dollars per annum.

5. The treasurer, two thousand dollars per annum.

6. The tax collector, one thousand dollars per annum.

7. The assessor, three thousand five hundred dollars per annum.

8. The district attorney, twenty-four hundred dollars per annum; assistant district attorney, nine hundred dollars per annum.

9. The coroner, such fees as are now or may be hereafter allowed by law.

10. The public administrator, such fees as are now or may be hereafter allowed by law.

11. The superintendent of schools, fifteen hundred dollars per annum.

12. The surveyor, such fees as are now or may be hereafter allowed by law.

13. Justices of the peace, such fees as are now or may be hereafter allowed by law.

14. Constables, such fees as are now or may be hereafter allowed by law, not to exceed the sum of eighty dollars per month.

15. Each member of the board of supervisors, ten dollars per day, not exceeding six working days each month, at any regular session, and ten dollars per day while sit-

ting as a board of equalization, or in special sessions, not to exceed fifteen working days in any one year, and mileage when acting as road commissioner, twenty-five cents per mile, one way; provided, the amount of mileage shall not exceed the sum of three hundred dollars in any one year.

16. Members of the board of education, each the sum of five dollars per day for actual service, together with mileage at ten cents per mile. [Amendment approved March 23, 1901. Stats. 1901, 745. In effect 12 M. on first Monday after January 1, 1903.]

Sec. 181. In counties of the twenty-fourth class the county officers shall receive, as compensation for the services required of them by law or by virtue of their offices, the following salaries, to-wit:

1. The county clerk, three thousand dollars per annum.
2. The sheriff, six thousand dollars per annum.
3. The recorder, two thousand dollars per annum.
4. The auditor, one thousand dollars per annum.
5. The treasurer, fifteen hundred dollars per annum.
6. The tax collector, one thousand dollars per annum.
7. The assessor, twenty-four hundred dollars per annum.
8. The district attorney, eighteen hundred dollars per annum.

9. The coroner, such fees as are now or may be hereafter allowed by law.

10. The public administrator, such fees as are now or may be hereafter allowed by law.

11. The superintendent of schools, fifteen hundred dollars per annum, and his reasonable traveling expenses incurred in visiting schools of the county, to be fixed and allowed by the board of supervisors, not to exceed the sum of five hundred dollars per annum; provided, he shall devote his entire time to the duties of said office.

12. The surveyor, such fees as are now or may be hereafter allowed by law; provided, he shall be given all work for the county in which the county employs a surveyor or civil engineer; and provided further, that it shall be the duty of the board of supervisors of counties of this class to so employ him.

13. Justices of the peace, such fees as are now or may be hereafter allowed by law.

14. Constables, such fees as are now or may be hereafter allowed by law.

15. Each member of the board of supervisors, five hundred dollars per annum, and mileage at the rate of twenty cents per mile from his home to and from the county seat.

16. In counties of this class the official reporter of the superior court shall receive, as full compensation for taking notes in civil and criminal cases tried in said court, and when requested by the district attorney, for preliminary examinations in justice's court, a monthly salary of one hundred dollars, payable out of the county treasury, at the same time and in the same manner as the salaries of county officers; and for transcription of said notes, when required, he shall receive the sum of ten cents per folio for the original and five cents per folio for a copy; said compensation for a transcription in criminal cases to be audited and allowed by the board of supervisors as other claims against the county, and paid out of the county treasury, and in civil cases to be paid by the party ordering the same, or, when ordered by the judge, by either party, or jointly by both parties, as the court may direct. [Amendment approved March 23, 1901. Stats. 1901, 746. In effect 12 M. on first Monday after January 1, 1903.]

Sec. 182. In counties of the twenty-fifth class the officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit:

1. The county clerk, four thousand dollars per annum.
2. The sheriff, five thousand five hundred dollars per annum.
3. The recorder, two thousand dollars per annum, and six cents for each folio recorded; provided, that the six cents per folio for recording shall go into effect immediately.
4. The auditor, twenty-four hundred dollars per annum.
5. The treasurer, eighteen hundred dollars per annum.
6. The tax collector, two thousand dollars per annum, and one deputy, at nine hundred dollars per annum.
7. The assessor, four thousand dollars per annum, and one deputy, at a salary of nine hundred dollars per annum;

provided, that the salary for the deputy shall take effect immediately.

8. The district attorney, fifteen hundred dollars per annum.

9. The coroner, such fees as are now or may be hereafter allowed by law.

10. The public administrator, such fees as are now or may be hereafter allowed by law.

11. The superintendent of schools, one thousand five hundred dollars per annum, and actual traveling expenses when visiting the schools of his county.

12. The surveyor shall receive one thousand five hundred dollars per annum for all work performed for the county, and in addition thereto, actual traveling and other necessary expenses incurred in connection with field work; provided, that whenever the surveyor is directed by the assessor to plat, trace, or otherwise prepare maps, plats, or block book for the use of the county assessor, he shall be allowed only the actual cost of preparing the same.

13. Justices of the peace, such fees as are now or may be hereafter allowed by law.

14. Constables, such fees as are now or may be hereafter allowed by law.

15. Each supervisor, five hundred dollars per annum, and ten cents per mile for traveling from his residence to the county seat; provided, that not more than one mileage for one session of the board shall be allowed. For serving as road commissioner, two hundred dollars per annum. [Amendment approved March 23, 1901. Stats. 1901, 747. In effect 12 M. on first Monday after January 1, 1903.]

Sec. 183. In counties of the twenty-sixth class the officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit:

1. The county clerk, five thousand dollars per annum, and twelve and a half cents for each elector registered. The provisions of this subdivision shall take effect immediately.

2. The sheriff, seven thousand dollars per annum. He may retain for his own use the mileage and fees for the service of papers or process issued by any court of this state outside of his county.

3. The recorder, sixteen hundred dollars per annum, seven cents for each folio recorded, and five cents for each name indexed. The provisions of this subdivision shall take effect immediately.

4. The auditor, two thousand dollars per annum.

5. The treasurer, two thousand dollars per annum.

6. The tax collector, three thousand dollars per annum.

7. The assessor, five thousand dollars per annum.

8. The district attorney, four thousand dollars per annum; provided, that he shall be disqualified from engaging in any cause or action to which the county or state is not a party.

9. The coroner, such fees as are now or may be hereafter allowed by law.

10. The public administrator, such fees as are now or may be hereafter allowed by law.

11. The superintendent of schools, eighteen hundred dollars per annum (which shall include his services as a member of the board of education), and his actual traveling expenses when visiting schools, not to exceed ten dollars per district, and the provisions of this subdivision shall take effect immediately.

12. The surveyor shall receive twelve hundred dollars per annum, and traveling and official expenses in the county.

13. For the purpose of regulating the compensation of justices of the peace and constables, townships in this class of counties are hereby classified according to population, as shown by the federal census of nineteen hundred, as follows: Townships containing a population of five thousand or more shall be known as townships of the first class; townships containing a population of less than five thousand and more than two thousand shall be known as townships of the second class; townships containing less than two thousand population and more than one thousand shall be known as townships of the third class; townships having less than one thousand population shall be known as townships of the fourth class.

In townships of the first class the constables and justices of the peace shall receive a salary of one hundred and twenty-five dollars per month, payable as the salary of county officers are paid; and constables may retain the

fees allowed by law for services in civil cases, but justices shall pay all fees and fines into the county treasury.

In townships of the second class the constables and justices shall receive the fees that are now or may hereafter be allowed by law, not exceeding one hundred dollars in any month in criminal cases.

In townships of the third class the constables and justices shall receive the fees that are now or may hereafter be allowed by law, not exceeding seventy-five dollars in any month in criminal cases.

In townships of the fourth class the constables and justices shall receive the fees that are now or may hereafter be allowed by law, not exceeding fifty dollars in any month in criminal cases.

14. Each supervisor, six dollars per day while in the service of the county, and thirty cents per mile for traveling from his residence to the county seat.

15. The official reporter of the superior court shall receive, as full compensation in taking notes in civil and criminal cases tried in said court, a monthly salary of one hundred and fifty dollars, payable out of the county treasury at the same time and in the same manner and from the same fund as the salaries of county officers; and for transcription of said notes, when required, he shall receive the sum of fifteen cents per folio for the original and five cents per folio for a copy; said compensation for transcription in criminal cases to be audited and allowed by the board of supervisors as other claims against the county, and paid out of the county treasury, and in civil cases to be paid by the party ordering the same, or when ordered by the judge, by either party, or jointly by both parties, as the court may direct. The provisions of this subdivision shall take effect immediately. [Amendment approved March 23, 1901. Stats. 1901, 748. In effect immediately.]

Sec. 184. In counties of the twenty-seventh class the county officers shall receive, as compensation for the services required of them by law or by virtue of their offices, the following salaries, to wit:

1. The county clerk, three thousand dollars per annum, and five hundred dollars additional per annum for compiling great register of the county.

2. The sheriff, five thousand dollars per annum, and the

fees, mileage, or commissions for the services of all papers whatever issued by any court outside of his county, and all mileage for service of papers issued out of any civil case in his own county.

3. The recorder, two thousand dollars per annum.

4. The auditor, five hundred dollars per annum.

5. The treasurer, two thousand dollars per annum, and fees as now provided.

6. The tax collector, two thousand dollars per annum, and fees on delinquent poll taxes, which shall be in full for all services as tax collector, and as license collector.

7. The assessor, three thousand two hundred dollars per annum.

8. The district attorney, two thousand dollars per annum.

9. The coroner, such fees as are now or may be hereafter allowed by law.

10. The public administrator, such fees as are now or may be hereafter allowed by law.

11. Superintendent of schools, one thousand six hundred dollars per annum, and actual traveling expenses when visiting the schools of the county.

12. The surveyor, such fees as are now or may be hereafter allowed by law.

13. For the purpose of regulating the compensation of justices of the peace and constables, townships in this class of counties are hereby classified according to their population, as shown by the federal census of nineteen hundred, as follows: Townships having a population of five thousand or more shall belong to and be known as townships of the first class; townships having a population of three thousand and less than five thousand, shall belong to and be known as townships of the second class; townships having a population of one thousand and less than three thousand shall belong to and be known as townships of the third class; and townships having a population of less than one thousand shall belong to and be known as townships of the fourth class. Justices of the peace and constables shall receive the following salaries, which shall be paid monthly, in the same manner as salaries of county officers are paid, and which shall be in full of all services rendered by them in criminal cases, to wit: In townships of the first class, seventy-five dol-

lars; in townships of the second class, fifty-five dollars; in townships of the third class, thirty dollars; and in townships of the fourth class, twenty dollars. In addition to the monthly salaries herein allowed, each justice of the peace and constable may receive and retain for his own use such fees as are now or may hereafter be allowed by law, for all services rendered by him in civil actions. Constables shall also be allowed all necessary expenses actually incurred in arresting and conveying prisoners to court or to prison, which said expense shall be audited and allowed by the board of supervisors and paid out of the county treasury.

14. In counties of this class the official reporter of the superior court shall receive as full compensation for taking notes in civil and criminal cases in the superior court, tried therein, and at preliminary examinations before the justices' courts of the county and for taking notes at all coroners' inquests, a monthly salary of one hundred and twenty-five dollars, payable out of the county treasury at the same time and in the same manner as the salary of other county officers, and for transcription of said notes, when required, the sum of ten cents per folio for the original and five cents per folio for a copy shall be paid the reporter making the transcription; provided, that said official reporter herein designated shall perform all the services necessary in the superior court of the county, at all preliminary examinations held before justices of the peace of the county, and at all coroners' inquests. Said compensation for transcription in criminal cases, at preliminary examinations, and at coroners' inquests to be allowed on the order of the court, or the coroner, as the case may be, and paid out of the county treasury, and in civil cases to be paid by the party ordering the same, or, when ordered by the judge, by either party, or jointly by both parties, as the court may direct. Said official reporter shall furnish his own typewriting machine, and shall also receive from the county his actual traveling expenses, when required to travel to and from any justice's court within the county, except the county seat.

15. Each member of the board of supervisors shall receive one thousand dollars per annum, payable monthly, which shall be in full for all services as supervisors.

The provisions of subdivisions thirteen, fourteen, and

fifteen of this section shall take effect and be in force thirty days from and after the passage of this act. [Amendment approved March 23, 1901. Stats. 1901, 750. In effect partly in thirty days and partly 12 M. on first Monday after January 1, 1903.]

Sec. 185. In counties of the twenty-eighth class, the county and township officers shall receive, as compensation for the services required of them by law or by virtue of their offices, the following salaries and fees, to wit:

1. The county clerk, three thousand two hundred and fifty dollars per annum.
2. The sheriff, six thousand dollars per annum.
3. The recorder, two thousand two hundred and fifty dollars per annum.
4. The auditor, one thousand dollars per annum.
5. The treasurer, two thousand dollars per annum.
6. The tax collector, one thousand dollars per annum.
7. The assessor, four thousand two hundred and fifty dollars per annum.
8. The district attorney, two thousand two hundred and fifty dollars per annum.
9. The coroner, such fees as are now or may hereafter be allowed by law.
10. The public administrator, such fees as are now or may hereafter be allowed by law.
11. Superintendent of schools, eighteen hundred dollars per annum, including services on board of education. He shall be allowed his actual traveling expenses, not to exceed three hundred dollars per annum.
12. The surveyor shall receive a per diem of ten dollars for all work performed for the county, and in addition thereto, all necessary expenses and transportation on work performed in the field.
13. The justices of the peace, such fees as are now or may hereafter be allowed by law; provided, that the amount allowed by the board of supervisors for services in prosecutions under section six hundred and forty-seven of the Penal Code, and prosecutions for fraudulently evading or attempting to evade the payment of fare for traveling on any railroad, shall not exceed twenty dollars for any one month; provided, further, that the amount allowed by the board of supervisors for services in prosecutions of misdemeanor cases other than those hereinbefore speci-

fied in this subdivision, shall not exceed the sum of thirty dollars for any one month.

14. The constables shall receive the following fees, to wit: For serving summons and complaint, for each defendant served, one dollar; for each copy of summons for service when made by him, twenty-five cents; for levying writ of attachment or execution or executing order of arrest or for the delivery of personal property, one dollar; for keeping personal property, such sum as the court may order, but no more than two dollars per day shall be allowed for a keeper when necessarily employed; for taking bond or undertaking, fifty cents; for copies of writs and other papers, except summons, complaints and subpoenas, per folio ten cents; provided, that when correct copies are furnished him for use, no charge shall be made for copies; for serving any writ, notice or order, except summons, complaint or subpoenas, for each person served, fifty cents; for writing and posting each notice of sale of property, twenty-five cents; for furnishing notice for publication, twenty-five cents; for serving subpoenas, each witness, including copy, twenty-five cents; for collecting money on execution, two and one half per cent, to be charged against the defendant named in the execution; for executing and delivering certificate of sale, one dollar; for executing and delivering constable's deed, two dollars; for every mile necessarily traveled in his township, in going only, to serve any civil or criminal process or paper, or to take a prisoner before a magistrate or to prison, twenty-five cents; outside of his township, but within his county, ten cents; but when two or more persons are served or summoned in the same suit and at the same time, mileage shall be charged only for the more distant if they live in the same direction; for each mile necessarily traveled outside of his county in making criminal arrests, both going and returning from place of arrest, five cents; in transporting prisoners to the county jail, or before a magistrate, either upon arrest or for trial or examination, or after conviction, he shall receive in addition to the above mileage, his actual and necessary expenses for himself and prisoner; provided, that where two or more prisoners are transported at the same time, no more than one mileage shall be allowed; for making each arrest in criminal cases, one dollar and fifty cents;

for sales of estrays, the same fees as for sales on execution; for summoning a jury, two dollars, including mileage; for all other services, the same fees as are allowed sheriffs for like services;- provided further, that no more than sixty dollars shall be allowed to any constable in counties of this class in any one month for fees and mileage in criminal matters.

15. Each supervisor, six hundred dollars per annum, and twenty cents per mile for traveling from his residence to and from the county seat; provided, such mileage shall not be allowed more than once a month; and for his services as road commissioner, he shall receive twenty cents per mile one way for all distances actually and necessarily traveled by him in the performance of his duties; provided, he shall not in any one year receive more than three hundred dollars as such road commissioner.

16. In counties of this class grand jurors and jurors in the superior court shall receive for each day's attendance the sum of three dollars, and for each mile actually and necessarily traveled from their residence to the county seat, the sum of twenty-five cents; such mileage to be allowed but once during each session such jurors are required to attend. [Amendment approved March 19, 1903. Stats. 1903, 230. In effect in sixty days.]

Sec. 186. In counties of the twenty-ninth class the county officers shall receive, as compensation for the services required of them by law or by virtue of their offices, the following salaries, to wit:

1. The county clerk, three thousand dollars per annum.
2. The sheriff, four thousand five hundred dollars per annum; and also all fees for service of papers in actions arising outside of his county.
3. The recorder, one thousand eight hundred dollars per annum.
4. The auditor, one thousand two hundred dollars per annum.
5. The treasurer, eighteen hundred dollars per annum.
6. The tax collector, one thousand dollars per annum.
7. The assessor, two thousand five hundred dollars per annum.
8. The district attorney, one thousand eight hundred dollars per annum.

9. The coroner, such fees as are now or may be hereafter allowed by law.

10. The public administrator, such fees as are now or may be hereafter allowed by law.

11. The superintendent of schools, one thousand six hundred and fifty dollars per annum, and actual traveling expenses when visiting the schools of his county.

12. The surveyor, such fees as are now or may be hereafter allowed by law.

13. Justices of the peace, such fees as are now or may be hereafter allowed by law.

14. Constables, such fees as are now or may be hereafter allowed by law, and in addition thereto three dollars per day for each day's actual attendance in court during a jury trial therein or a preliminary examination for felony; provided, that no constable shall receive more than three dollars for any one day's attendance on any court.

15. Each supervisor, fifty dollars per month and mileage at the rate of ten cents per mile for traveling to and from his residence to the county seat at each session.

16. Each member of the board of education, including the secretary, five dollars per day when the board is in session, and ten cents per mile for traveling to and from his or her residence to the county seat at each session, unless otherwise provided by law. [Amendment approved March 19, 1903. Stats. 1903, 232. In effect immediately.]

Sec. 187. In counties of the thirtieth class the county officers shall receive, as compensation for the services required of them by law or by virtue of their offices, the following salaries, to wit:

1. The county clerk, three thousand dollars per annum.

2. The sheriff, four thousand two hundred dollars per annum. Also, the following, to be audited and paid as other county charges: For every mile necessarily traveled in executing any warrant of arrest, twenty-five cents per mile; for taking prisoners to magistrate or jail, the actual cost of transportation.

3. The recorder, three thousand dollars per annum, which shall be in full for all services.

4. The auditor, one thousand eight hundred dollars per annum.

5. Tax collector, two thousand dollars per annum.

6. Assessor, three thousand two hundred dollars per annum.

7. The treasurer, one thousand six hundred dollars per annum.

8. The district attorney, one thousand eight hundred dollars per annum.

9. The coroner, such fees as are now or may hereafter be allowed by law.

10. The public administrator, such fees as are now or may hereafter be allowed by law.

11. The superintendent of schools, two thousand dollars per annum, which shall be in full for all services performed, including the visiting of the schools of his county; provided, that he may receive such fees as are now or may hereafter be allowed by law for services as a member of the county board of education.

12. The county surveyor shall receive one thousand eight hundred dollars per annum and the necessary cost of transportation to and from, and necessary expenses while in the field when engaged on public work.

13. For the purpose of regulating the compensation of justices of the peace, townships in this class of counties are hereby classified according to their population as shown by the federal census of one thousand nine hundred, as follows:

Townships having a population of four thousand or more shall belong to and be known as townships of the first class; townships having a population of two thousand and less than four thousand shall belong to and be known as townships of the second class; townships having a population of one thousand and less than two thousand shall belong to and be known as townships of the third class; townships having a population of over five hundred and less than one thousand shall belong to and be known as townships of the fourth class; and townships having a population of less than five hundred shall belong to and be known as townships of the fifth class.

Justices of the peace shall receive the following salaries, which shall be paid monthly, in the same manner such salaries of county officers are paid, and shall be in full of all services rendered by them in criminal cases; provided, however, that if two justices of the peace shall be elected and qualify in any township, then the said jus-

tices shall each receive one half ($\frac{1}{2}$) of the salary herein provided for:

In townships of the first class, seventy dollars;

In townships of the second class, sixty dollars;

In townships of the third class, forty dollars;

In townships of the fourth class, twenty dollars;

In townships of the fifth class, ten dollars; provided, that each justice of the peace shall, before receiving his monthly salary, file with the auditor a statement of all fines received, together with the treasurer's receipt for the same. In addition to the monthly salaries herein allowed, each justice of the peace may receive and retain for his own use such fees as are now or may hereafter be allowed by law, for all services rendered by him in civil actions.

14. For the purpose of regulating the salaries of constables, townships in this class of counties are hereby classified according to their population as shown by the federal census of one thousand nine hundred, as follows: Townships having a population of four thousand or more shall belong to and be known as townships of the first class; townships having a population of two thousand and less than four thousand shall belong to and be known as townships of the second class; townships having a population of one thousand and less than two thousand shall belong to and be known as townships of the third class; townships having a population of over five hundred and less than one thousand shall belong to and be known as townships of the fourth class; and townships having a population of less than five hundred shall belong to and be known as townships of the fifth class. Constables shall receive the following salaries, which shall be paid monthly, in the same manner as such salaries of county officers are paid, and shall be in full of all services rendered by them in criminal cases; provided, however, that if two constables shall be elected and qualify in any township, then each of the said constables shall each receive one half ($\frac{1}{2}$) of the salary herein provided for:

In townships of the first class, eighty dollars;

In townships of the second class, seventy dollars;

In townships of the third class, fifty dollars;

In townships of the fourth class, twenty-five dollars;

In townships of the fifth class, ten dollars.

In addition to the monthly salaries herein allowed, each constable may receive and retain for his own use such fees as are now or may hereafter be allowed by law for all services rendered by him in civil actions, and shall also be allowed all necessary expenses actually incurred in arresting and conveying prisoners to court or to prison, which said expenses shall be audited and allowed by the board of supervisors and paid out of the county treasury.

15. Each supervisor, six dollars per day when the board is in session, and twenty cents per mile for traveling from his residence to the county seat. For his services as road commissioner, three hundred dollars per annum, payable in monthly installments.

16. In counties of this class the official reporter of the superior court shall receive, as full compensation for taking notes in all civil and criminal causes and proceedings in said court, and for taking notes of the proceedings and testimony at all coroner's inquests in the county, and for taking notes of the testimony and proceedings in all examinations before committing magistrates, and for taking notes of the testimony and proceedings of cases and commissions for the examination of persons charged with being of unsound mind, a monthly salary of one hundred dollars, payable out of the county treasury at the same time and in the same manner as the salaries of county officers; and for the transcription of said notes, when the transcription thereof is required by law, or by order of the court, or by demand of any party to the suit or proceeding, he shall receive the sum of ten cents per folio for the original and five cents per folio for a copy; said compensation for transcription in all criminal cases and coroner's inquests and examinations of persons charged with being of unsound mind, to be audited and allowed by the board of supervisors, as other claims against the county, and in civil cases and proceedings to be paid by the party ordering the same, or, when ordered by the judge, by either party, or jointly by both parties, when and in such proportions as the court may direct. When necessary for such reporter to travel away from the county seat, he shall receive his actual and necessary traveling expenses, to be allowed and paid by the board of supervisors as are other county charges. {Amendment

approved March 23, 1901. Stats. 1901, 754. In effect 12 M. on first Monday after January 1, 1903.]

Sec. 188. In counties of the thirty-first class, the county officers shall receive, as compensation for the services required of them by law or by virtue of their offices, the following salaries, to wit:

1. The county clerk, three thousand dollars per annum, and when a new great register of voters is ordered, he shall receive five hundred dollars additional, which shall be in full for all services required in registering voters and making the great register.

2. The sheriff, four thousand five hundred dollars per annum.

3. The recorder, two thousand five hundred dollars per annum.

4. The auditor, fifteen hundred dollars per annum.

5. The treasurer, two thousand dollars per annum.

6. The tax collector, twelve hundred dollars per annum.

7. The assessor, three thousand dollars per annum.

8. The district attorney, two thousand three hundred dollars per annum.

9. The coroner, such fees as are now or may be hereafter allowed by law.

10. The public administrator, such fees as are now or may be hereafter allowed by law.

11. The superintendent of schools, one thousand six hundred dollars per annum, and actual traveling expenses when visiting the schools of his county.

12. The county surveyor, one thousand five hundred dollars per annum, he to furnish all necessary instruments; but transportation charges for field work shall be allowed him. He shall not be required to perform county work more than two thirds of the working days in any month except on payment of fees now allowed by law.

13. Justices of the peace, the following monthly salaries, to be paid each month as county officers are paid, which shall be in full for all services rendered by them in criminal cases: In townships having a population of twenty-five hundred and more, sixty-five dollars. In townships having a population of fifteen hundred and less than twenty-five hundred, forty dollars. In townships having a population of one thousand and less than fifteen hundred, twenty-five dollars. In townships having a popula-

tion of less than one thousand, ten dollars. Each justice must pay into the county treasury once a month, all fines collected by him. In addition to the monthly salary allowed herein each justice may receive for his own use such fees as are now or may hereafter be allowed by law, for all services performed by him in civil actions. In all townships having a population of less than twenty-five hundred if there be more than one justice, the compensation allowed herein shall be equally divided between them so that the sum total of their monthly compensation shall not exceed the salary allowed herein for a single justice in such township.

14. Constables, the following salaries, which shall be paid monthly as salaries of county officers are paid, and shall be in full for all services rendered by them in criminal cases, to wit: In townships having a population of twenty-five hundred or more, seventy dollars. In townships having a population of fifteen hundred and less than twenty-five hundred, forty-five dollars. In townships having a population of one thousand and less than fifteen hundred, thirty dollars; in townships having a population of less than one thousand, fifteen dollars. In addition to the monthly salary allowed herein each constable may receive and retain for his own use, such fees as are now or may hereafter be allowed by law for all the services performed by him in civil actions. In all townships having a population less than twenty-five hundred, if there be more than one constable, the compensation herein allowed shall be equally divided between them so that the sum total of their monthly compensation shall not exceed the salary allowed herein for a single constable in such township. The board of supervisors shall during each and every year, ascertain and determine the population of the several townships of the county for the purposes of ascertaining the compensation of township officers regulated by this section, in proportion to their duties.

15. Each supervisor, five hundred dollars per annum and his necessary expenses when attending to the business of his county, other than the meetings of the board, and thirty cents per mile in going from his residence to the county seat at each meeting of the board, and three hundred dollars per annum, payable quarterly, for services as road commissioner.

16. In counties of this class the official reporter of the superior court shall receive, as full compensation for taking notes in civil and criminal cases tried in said court, and, when requested by the district attorney, in preliminary examinations and inquests, a monthly salary of one hundred dollars, payable out of the county treasury at the same time and in the same manner as the salaries of county officers; and for transcription of said notes, when required, he shall receive the sum of ten cents per folio for the original and five cents per folio for the copy; said compensation for transcriptions in criminal cases, preliminary examinations, and inquests, to be audited and allowed by the board of supervisors as other claims against the county, and paid out of the county treasury, and in civil cases to be paid by the party ordering the same, or, when ordered by the judge, by either party, or jointly by both parties, as the court may direct.

17. Subdivisions twelve and fifteen of this section shall take effect immediately. [Amendment approved March 23, 1901. Stats. 1901, 757. In effect partly immediately and partly 12 M. on the first Monday after January 1, 1903.]

Sec. 189. In counties of the thirty-second class the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit:

1. The county clerk, three thousand dollars per annum.
2. The sheriff, four thousand five hundred dollars per annum and mileage at the rate of twenty-five cents per mile necessarily traveled, in going only.
3. The recorder, two thousand five hundred dollars per annum.
4. The auditor, one thousand five hundred dollars per annum.
5. The treasurer, one thousand five hundred dollars per annum.
6. The tax collector, two thousand dollars per annum.
7. The assessor, four thousand dollars per annum.
8. The district attorney, one thousand eight hundred dollars per annum.
9. The coroner, such fees as are now or may be hereafter allowed by law.
10. The public administrator, such fees as are now or may be hereafter allowed by law.

11. The superintendent of schools, one thousand five hundred dollars per annum, and actual traveling expenses when visiting the schools of his county.

12. The surveyor shall receive one thousand six hundred dollars per annum for all work performed for the county, and in addition thereto, actual traveling and other necessary expenses incurred in connection with field work; provided, that whenever the surveyor is directed by the assessor to plat, trace, or otherwise prepare maps, plats, or block books for the use of the county assessor, he shall be allowed only the actual cost of preparing the same.

13. Justices of the peace shall receive the following monthly salaries, to be paid each month as salaries of the county officers are paid, which shall be in full for all services rendered by them in criminal cases:

In townships having a population of three thousand five hundred or more, seventy-five dollars per month. In townships having a population of not less than two thousand nor more than three thousand five hundred, seventy dollars per month. In townships having a population of not less than twelve hundred nor more than two thousand, fifteen dollars per month. In all townships having a population of less than twelve hundred, ten dollars per month. In addition to the above salary each justice of the peace shall collect and retain for his own use and benefit, in civil cases, such fees as are now or may be hereafter allowed by law, and shall also collect and retain for his own use such fees as are now or may be hereafter allowed by law for services rendered by him as coroner, when acting as such.

14. Constables shall receive the following monthly salaries, to be paid each month as salaries of the county officers are paid, which shall be in full for all services rendered by them in criminal cases: In townships having a population of three thousand five hundred or more, seventy-five dollars per month. In townships having a population of not less than two thousand nor more than three thousand five hundred, seventy dollars per month. In townships having a population of not less than twelve hundred nor more than two thousand, fifteen dollars per month. In all townships having a population of less than twelve hundred, ten dollars per month. In addition to the monthly salary allowed herein, each constable may collect

and retain for his own use such fees as are now or may be hereafter allowed by law for all services performed by him in civil actions; and he shall also be allowed his actual and necessary expenses incurred in executing any warrant outside of his county issued by a magistrate or justice of his county.

Constables shall also be allowed all necessary expenses actually incurred in arresting and conveying prisoners to the county jail, which said expenses shall be audited and allowed by the board of supervisors, and paid out of the county treasury.

15. Each member of the board of education shall receive five dollars per day as compensation for his services when in actual attendance upon said board, and mileage at the rate of twenty-five cents per mile, one way only, from his residence to the place of meeting of said board.

The secretary of said board of education shall receive five dollars per day for his services for the actual time that the board may be in session. Said compensation of the members of said board, and of said secretary shall be paid out of the same fund as the salary of the superintendent of schools is paid. Claims for such services and mileage shall be presented to the board of supervisors, and shall be allowed at the rate above named, in the same manner as other claims against the county are allowed. The compensation of the members of the county board of education herein provided is not in addition to that provided in section one thousand seven hundred and seventy of the Political Code.

16. Each supervisor, six hundred dollars per annum, and twenty cents per mile for traveling from his residence to the county seat; provided, that when a supervisor is also road commissioner he shall receive, in addition to the twenty cents per mile allowed to him by law as such road commissioner his actual traveling expenses, the total mileage and expenses not in any one year to exceed the sum of three hundred dollars. [Amendment approved March 19, 1903. Stats. 1903, 239. In effect in sixty days.]

Sec. 190. In counties of the thirty-third class, the county officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit:

1. The county clerk, one thousand five hundred dollars per annum.

2. The sheriff, three thousand five hundred dollars per annum, and a jailer at fifty dollars per month, to be paid out of the county treasury; provided, the sheriff shall also receive for his own use and benefit his necessary expenses in all criminal cases, to be allowed as other county charges are allowed by law; and, provided further, that the sheriff shall also receive for his own use and benefit, the mileage, fees, and commissions for all services of all papers whatsoever issued by any court of the state outside of his county.

3. The recorder, one thousand five hundred dollars per annum.

4. The auditor, one thousand dollars per annum.

5. The treasurer, one thousand two hundred dollars per annum.

6. The tax collector, twelve hundred dollars per annum, and a deputy, at four dollars per day, for not more than one hundred days in any one year, to be paid out of the county treasury; provided, that no fees or compensation other than the compensation provided for in this section, shall be allowed the sheriff or tax collector for the collection of licenses in counties of this class.

7. The assessor, two thousand five hundred dollars per annum, and two deputies at a salary of five dollars each per day for not more than one hundred days in any one year, and two deputies additional, at a salary of five dollars each per day for not more than fifty days in any one year; such deputies to be paid out of the county treasury.

8. The district attorney, two thousand dollars per annum, and necessary traveling expenses to be allowed by the board of supervisors.

9. The coroner, such fees as are now or may be hereafter allowed by law.

10. The public administrator, such fees as are now or may be hereafter allowed by law.

11. The superintendent of schools, fifteen hundred dollars per annum, and actual traveling expenses when visiting the schools of his county.

12. The surveyor, such fees as are now or may be hereafter allowed by law; provided, he shall be given all work

for the county in which the county employs one surveyor or civil engineer.

13. In counties of this class, the township officers shall receive the following compensations, to wit: In townships having a population of over four thousand, justices of the peace shall receive a monthly salary of forty-five dollars per month, and constables a monthly salary of sixty-five dollars per month. The above named salaries shall be in full compensation for all services of said justices of the peace and constables in criminal cases, but said justices of the peace and constables may retain for their own use the fees allowed by law in civil cases.

In townships having a population of more than twenty-seven hundred, and not exceeding four thousand, justices of the peace shall receive a monthly salary of thirty dollars per month, and constables a monthly salary of forty dollars per month. The above named salaries shall be in full compensation for all services of said justices of the peace and constables in criminal cases, but said justices of the peace and constables may retain for their own use the fees allowed by law in civil cases.

In townships having a population of more than two thousand and less than twenty-seven hundred, justices of the peace shall receive a monthly salary of twenty-five dollars per month and constables a monthly salary of thirty-five dollars per month. The above named salaries shall be in full compensation for all services of said justices of the peace and constables in criminal cases, but said justices of the peace and constables may retain for their own use the fees allowed by law in civil cases.

In townships having a population of less than two thousand, justices of the peace shall receive a monthly salary of twenty dollars per month, and constables a monthly salary of twenty-five dollars per month. The above named salaries shall be in full compensation for all services of said justices of the peace and constables in criminal cases, but said justices of the peace and constables may retain for their own use the fees allowed by law in civil cases; provided, that in addition to the salary herein allowed, each constable shall be paid out of the county treasury for traveling expenses outside of his township, for services of a warrant of arrest or any other paper in a criminal case, such fees as are now or may

be hereafter allowed by law; for transporting prisoners to the county jail, the actual expenses of such transportation; and provided further, that for the purpose of this act, the population of the several townships shall be ascertained by multiplying the number of registered voters at the last general election of each township, by five. In addition to the above salaries allowed said justices of the peace and constables for their services in criminal cases, they may retain for their own use the fees allowed by law in civil cases.

14. Each supervisor six hundred dollars per annum and twenty cents per mile traveling to county seat, which shall be in full compensation for all services, both as supervisor and road commissioner; provided, that in case the said supervisors shall not serve as road commissioners, the salary for supervisor shall be four hundred dollars per annum. This section shall take effect immediately in so far as it relates to the salaries and fees of justices and constables.

15. All acts or parts of acts in conflict with this act are hereby repealed. [Amendment approved March 19, 1903. Stats. 1903, 241. In effect immediately.]

Sec. 191. In counties of the thirty-fourth class the county officers shall receive as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit:

1. The county clerk, two thousand four hundred dollars per annum, and during each year in which a general election is held throughout the state he shall in addition to said salary receive each month for the months of August, September, October and November, one hundred dollars, and the same shall be so paid from the same fund as other salaries are paid.

2. The sheriff, four thousand dollars per annum, and the fees, mileage and commissions for the service of all papers issued by any court of the state outside of his county. Also his actual traveling expenses in the execution of a warrant outside of his county issued by a magistrate or court of his county.

3. The recorder, one thousand five hundred dollars per annum; provided, that such recorder shall collect and pay into the county treasury, for the use and benefit of the county, the fees required by law to be so collected; and

provided, that when the amount of said fees collected shall amount to more than one hundred and twenty-five dollars in any month, the recorder may receive and retain for his own use, in addition to his salary, all fees in excess of one hundred and twenty-five dollars, and not exceeding one hundred and seventy-five dollars, in any month so collected; so that the amount of fees thus received by the recorder for his own use, plus his salary, shall not exceed the sum of one hundred and seventy-five dollars in any one month.

4. The auditor, one thousand dollars per annum.

5. The treasurer, one thousand four hundred dollars per annum.

6. The tax collector, one thousand two hundred dollars per annum, and ten per cent of all licenses collected by him.

7. The assessor, twenty-six hundred dollars per annum; provided, that in counties of this class there shall be one deputy assessor, who shall be appointed by the assessor of said county and who shall hold office from twelve o'clock meridian of the first Monday of March of each year up to twelve o'clock meridian of the first Monday in July of each year. The salary of said deputy assessor herein provided for is hereby fixed at the sum of one hundred dollars per month during which months he shall hold office as herein provided, which said salary shall be paid by said county at the same time and in the same manner and out of the same fund as is the salary of the assessor.

8. The district attorney, fifteen hundred dollars per annum.

9. The coroner, six hundred dollars per annum.

10. The public administrator, such fees as are now or may be hereafter allowed by law.

11. The superintendent of schools, one thousand dollars per annum, and actual traveling expenses while visiting the schools of his county.

12. The surveyor, such fees as are now or may be hereafter allowed by law; provided, he shall be given all work for the county in which the county employs a surveyor or civil engineer; and provided further, that it shall be the duty of the board of supervisors of counties of this class to so employ him.

13. Supervisors, each the sum of six hundred dollars

per annum for all services performed by them, as supervisors, and members of the board of equalization and road commissioners; provided, that each supervisor shall receive ten cents for each mile traveled by the ordinary route, in going from his residence to the county seat and returning, once during each month.

14. In criminal cases justices of the peace may, for their own use, collect the following fees, and no others: For all services in a criminal action or proceeding, whether on examination or trial, four dollars, excepting that in cases where the examination or trial shall continue more than one day, in which case the justice of the peace shall be entitled to receive four dollars for each day while engaged in such trial or examination; for taking bail, after commitment by another magistrate, one dollar; for certificate and transmitting transcript and papers on appeal, one dollar.

15. Constables of townships containing two thousand inhabitants, or more, shall be allowed as additional compensation a salary of twenty dollars per month, payable at the same time and in the same manner as the salaries of other county officers are paid, and the constables in all townships shall receive the following fees in criminal cases: For each day's attendance in court during trial or examination of cases, three dollars; for each mile actually traveled within his township in the service of any writ, order, or paper, except a warrant of arrest, in going only, per mile, twenty-five cents; for traveling outside of his township to serve such writ, order, or paper, in going only, fifteen cents; no constructive mileage allowed; for each mile necessarily traveled within his county in executing a warrant of arrest, both in going and returning from place of arrest, fifteen cents; for each mile traveled out of his county, both going and returning from place of arrest, five cents; for arresting a prisoner and bringing him into court, one dollar, and for bringing prisoner into court each time thereafter, one dollar; for summoning a jury, two dollars, including mileage; for transporting prisoners to the county jail on commitment, the actual cost of such transportation, and fifteen cents per mile each way.

16. In counties of this class the official reporter of the superior court shall receive, as full compensation for taking notes in civil and criminal cases tried in said court,

and for preliminary examinations in justices' courts, a monthly salary of one hundred and twenty-five dollars, payable out of the county treasury, at the same time and in the same manner as the salaries of county officers; and for transcription of said notes, when required, he shall receive the sum of ten cents per folio for the original and five cents per folio for a copy; said compensation for transcription in criminal cases to be audited and allowed by the board of supervisors as other claims against the county, and paid out of the county treasury, and in civil cases to be paid by the party ordering the same, or, when ordered by the judge, by either party, or jointly by both parties, as the court may direct.

Jurors' and witness fees, in criminal cases, shall be as follows:

17. For attending as a grand juror or a trial juror in the superior court, in criminal cases only, for each day's attendance, per day, three dollars; for each mile actually traveled in attending court as such juror under summons or order of court, in criminal cases, in going only, per mile, twenty-five cents and the county clerk shall certify to the auditor the number of days' attendance and number of miles traveled by each juror, and the auditor shall then draw his warrant therefor and the treasurer shall pay the same.

Witness fees shall be as follows:

18. For each day's actual attendance, when legally required to attend upon the superior court, per day, one dollar and fifty cents in criminal cases. Mileage actually traveled, one way only, per mile, ten cents; provided, however, that such per diem and mileage shall only be allowed on a showing to the court, by the witness, that he is in indigent circumstances and is unable to bear the expense incident to attending court, while required so to do, and that such per diem and mileage are necessary for the expenses of the witness in attending; and the court shall determine the necessity for the same, and shall then make an order directing the auditor to draw his warrant on the county treasurer for the amount allowed, and the treasurer shall pay the same. The court may disallow any fee to a witness unnecessarily subpoenaed.

This section, so far as it affects the salary of the official

reporter and the fees of justices of the peace and constables, shall take effect immediately; and the provisions of said section, so far as the same relates to jurors' fees, shall take effect August first, nineteen hundred and one. [Amendment approved March 23, 1901; Stats. 1901, 768.]

Sec. 192. In counties of the thirty-fifth class, the county officers shall receive, as compensation for the service required of them by law or by virtue of their office, the following salaries, to wit:

1. The county clerk, one thousand five hundred dollars per annum.

2. The sheriff, four thousand two hundred and fifty dollars per annum; provided, the sheriff shall also receive for his own use and benefit his necessary expenses in all criminal cases, to be allowed as other county charges are allowed by law; and, provided further, that the sheriff shall also receive for his own use and benefit, the mileage, fees, and commissions for all service of all papers whatsoever issued by any court of the state outside of his county.

3. The recorder, one thousand eight hundred dollars per annum.

4. The auditor, one thousand dollars per annum.

5. The treasurer, one thousand eight hundred dollars per annum.

6. The tax collector, five hundred dollars per annum; provided, as license collector, he shall, in addition, be entitled to receive, and retain for his own use and benefit, ten per cent on all licenses collected by him.

7. The assessor, one thousand eight hundred dollars per annum, and one deputy not to exceed five dollars per day for not more than one hundred and twenty-five days in any year, and one field deputy not to exceed five dollars per day, for not more than one hundred and twenty-five days in any one year to be paid out of the county treasury.

8. The district attorney, one thousand eight hundred dollars per annum; provided, he may charge and receive for his own use necessary expenses for traveling on county and public business, to be allowed as other county charges are allowed by law.

9. The coroner, such fees as are now or may be hereafter allowed by law.

10. The public administrator, such fees as are now or may be hereafter allowed by law.

11. The superintendent of schools, six hundred dollars per annum, and actual traveling expenses when visiting the schools of his county. And if the board of supervisors provide that he shall not engage in teaching, then he shall receive one thousand two hundred dollars per annum, and traveling expenses, not to exceed three hundred dollars per annum, which expenses are to be allowed and paid as a county charge.

12. The surveyor, such fees as are now or may be hereafter allowed by law; provided, he shall be given all work for the county in which the county employs one surveyor or civil engineer.

13. In counties of this class the township officers, shall receive the following compensation, to wit:

In townships having a population of three thousand or more, justices of the peace shall receive a monthly salary of forty dollars per month, and constables a monthly salary of sixty dollars per month.

In townships having a population of more than twenty-two hundred and less than three thousand, the justices of the peace shall receive a monthly salary of thirty-five dollars per month, and constables a monthly salary of fifty-five dollars per month.

In townships having a population of more than eighteen hundred and less than twenty-two hundred, justices of the peace shall receive a monthly salary of thirty dollars per month, and constables a monthly salary of fifty dollars per month.

In townships having a population of more than fourteen hundred and [not] less than eighteen hundred, justices of the peace shall receive a monthly salary of twenty-five dollars per month, and constables a monthly salary of forty-five dollars per month.

In townships having a population of less than fourteen hundred, justices of the peace shall receive a monthly salary of twenty-five dollars per month, and constables a monthly salary of forty dollars per month. The above named salaries shall be in full compensation for all services of said justices of the peace and constables in criminal cases; provided, that, in addition to the salary herein allowed, each constable shall be paid out of the treasury

of the county for traveling expenses outside of his township, for service of a warrant of arrest or any other paper in a criminal case, such fees as they are now or may be hereafter allowed by law, for transporting prisoners to the county jail, the actual expenses of such transportation; and, provided further, that for the purpose of this act, the population of the several townships, shall be ascertained by multiplying the number of registered voters at the last general election by five. But said justices of the peace and constables may retain for their own use, the fees allowed by law in civil cases.

14. Each supervisor, four hundred dollars per annum, and ten cents per mile for traveling to and from his residence to the county seat at each session; and, unless otherwise provided by law, when serving as road commissioner, three dollars per day. But he shall not in any one year receive more than three hundred dollars for services as such road commissioner.

15. All acts or parts of acts in conflict with this act are hereby repealed. [Amendment approved March 18, 1903; Stats. 1903, 200. In effect immediately.]

Sec. 193. In counties of the thirty-sixth class the county officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit:

1. The county clerk, twenty-two hundred dollars per annum.

2. The sheriff, forty-five hundred dollars per annum.

3. The recorder, three thousand dollars per annum.

4. The auditor, one thousand dollars per annum.

5. The treasurer, fifteen hundred dollars per annum.

6. The tax collector, one thousand dollars per annum, and five per cent on all licenses collected by him as license collector.

7. The assessor, two thousand dollars per annum.

8. The district attorney, eighteen hundred dollars per annum.

9. The coroner, such fees as are now or may be hereafter allowed by law.

10. The public administrator, such fees as are now or may be hereafter allowed by law.

11. The superintendent of schools, fifteen hundred dol-

lars per annum, and actual traveling expenses when visiting the schools of his county.

12. The surveyor, fifteen hundred dollars per annum, which shall be in full for all services required of him by the superior court or the board of supervisors; provided, that he shall be entitled to receive from the county his actual and necessary expenses, incurred in the performance of any order of the court or board of supervisors; provided further, that whenever the surveyor is directed by the board of supervisors to plat, trace, or otherwise prepare maps, plats, or block books for the use of the county assessor, he shall be allowed only the actual cost of preparing the same.

13. Justices of the peace, such fees as are now or may be hereafter allowed by law.

14. Constables, such fees as are now or may be hereafter allowed by law.

15. Each supervisor, six dollars per day when the board is in session, and mileage at the rate of ten cents per mile for traveling to and from his residence to the county seat once each session. For services as road commissioner, three dollars per day while engaged as such commissioner; provided, however, the amount so allowed as such commissioner shall not exceed three hundred dollars in any one year. [Amendment approved March 23, 1901; Stats. 1901, 769. In effect 12 M. on first Monday after January 1, 1903.]

Sec. 194. In counties of the thirty-seventh class the county officers shall receive, as compensation for services required of them by law or by virtue of their office, the following salaries, to wit:

1. The county clerk, twenty-five hundred dollars per annum.

2. The sheriff, four thousand dollars per annum, and one jailer at a salary of nine hundred dollars per annum.

3. The recorder, eighteen hundred dollars per annum.

4. The auditor, twelve hundred dollars per annum.

5. The treasurer, twelve hundred dollars per annum.

6. The tax collector, fifteen hundred dollars per annum, which shall be in full for all services as tax collector and as license collector.

7. The assessor, fifteen hundred dollars per annum.

8. The district attorney, eighteen hundred dollars per annum.

9. The coroner, such fees as are now or may hereafter be provided by law.

10. The public administrator, such fees as are now or may hereafter be provided by law.

11. The superintendent of schools, fifteen hundred dollars per annum, which sum shall be in full for all services performed as school superintendent including expenses for visiting schools, and as a member of the board of education.

12. The surveyor, such fees as are now or may hereafter be provided by law.

13. Each supervisor shall receive for compensation five dollars per day for all services performed as supervisor and member of the board of equalization, not to exceed the sum of four hundred dollars per annum; also, three dollars per day for each day actually engaged in performing the duties of road commissioner, not to exceed three hundred dollars per annum. The supervisors of counties of this class shall be elected from their respective supervisorial districts at the next general election as follows, to wit: The term of office of the supervisors elected from the first and third supervisorial districts shall expire in two years from such general election and the term of office of the supervisors elected from the second, fourth and fifth supervisorial districts shall terminate in four years from such general election.

14. In counties of this class the township officers shall receive the following compensations, to wit: In townships having a population of four thousand, justices of the peace shall receive a monthly salary of seventy-five dollars, and constables a monthly salary of seventy-five dollars; the above-named salaries shall be in full compensation for all services of said justices of the peace and constables in criminal cases; they may also retain for their own use all other fees, except those in criminal cases, as are now or may hereafter be provided by law. In townships having a population of less than four thousand, each justice of the peace and each constable shall receive as compensation for his services such fees as are now or may hereafter be provided by law.

The compensations herein provided for justices of the peace and constables shall take effect and be in force on and after the first Monday in April, nineteen hundred and one.

15. In counties of this class, the official reporter of the superior court shall receive as full compensation for taking notes in civil and criminal actions tried in said court, and for preliminary examinations in justices' courts, and for his services as reporter at coroner's inquests, a salary of five dollars per diem; and for transcription of said notes, when required, he shall receive a sum of ten cents per folio for the original and five cents per folio for a copy; said compensation per diem and for transcription in civil cases to be paid by the parties to the action in such manner as the court may direct, and in criminal proceedings and at coroner's inquests to be audited and allowed by the board of supervisors as other claims against the county and paid out of the county treasury.

This act, so far as it relates to counties of the thirty-seventh class, shall take effect immediately as to the office of official reporter, but shall not affect the compensation of other officers during the present term of office except as herein otherwise provided. [Amendment approved March 23, 1901; Stats. 1901, 769.]

Sec. 195. In counties of the thirty-eighth (38) class the county officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit:

1. The county clerk, two thousand seven hundred dollars per annum.

2. The sheriff, five thousand dollars per annum, and fees, commissions, and mileage for the service of papers or process coming from courts other than those of his own county.

3. The recorder, one thousand six hundred dollars per annum; provided, that such recorder shall collect and pay into the county treasury, for the use and benefit of the county, the fees required by law to be so collected; and provided, that when the amount of said fees collected shall exceed two hundred and fifty dollars in any month, the recorder may receive and retain for his own use, in addition to his salary, one half of all fees in excess of two

hundred and fifty dollars in any month so collected. But the amount of fees thus received by the recorder for his own use, plus his salary shall not exceed the sum of two thousand two hundred dollars in any one year.

4. The auditor, one thousand six hundred dollars per annum.

5. The treasurer, one thousand six hundred dollars per annum, and the fees and commissions now or hereafter allowed by law.

6. The tax collector, one thousand dollars per annum, and the fees and commissions now or hereafter allowed by law.

7. The assessor, two thousand eight hundred dollars per annum, and the fees and commissions now or hereafter allowed by law. The assessor shall also be allowed the following deputies, viz: One deputy for each bona fide increase of one hundred real estate statements made for assessment purposes over and above two thousand five hundred of such statements, and not to exceed in all four deputies. Each of such deputies shall receive a monthly compensation of one hundred dollars for a period of not to exceed two months in any one year, said compensation to be paid monthly in the same manner as county officers are paid.

8. The district attorney, two thousand dollars per annum.

9. The coroner, such fees as are now or may hereafter be allowed by law.

10. The public administrator, such fees as are now or may hereafter be allowed by law.

11. The superintendent of schools, one thousand five hundred dollars per annum. He shall also be allowed his actual traveling expenses when visiting the schools of the county, which expense shall not exceed the sum of five hundred dollars in any one year. He shall receive nothing for his services as a member of the board of education, and if he shall appoint a deputy, or commissioner of schools, the same shall be at his own cost and expense.

12. The surveyor, one thousand two hundred dollars per annum. It shall be his duty, among other things, to make and correct all necessary plats, maps, and block books for the assessor's office, and all necessary county and road

maps, and all necessary plans and specifications for bridge work and county buildings; and when necessarily and actually employed in the performance of such work he shall receive, in addition to his monthly salary, a per diem of five dollars for each day so necessarily and actually employed; provided, however, he shall receive nothing for preparing any map or plat necessary to accompany reports made by him on road work, nor for preparing and keeping up the necessary and proper records of his office. He shall at all times be subject to the orders of the board of supervisors.

13. For the purpose of regulating the compensation of justices of the peace and constables, townships of this class of counties are hereby classified according to their population as shown by the federal census of nineteen hundred: Townships having a population of two thousand eight hundred and more shall belong to and be known as townships of the first class; townships having a population of two thousand four hundred and less than two thousand eight hundred shall belong to and be known as townships of the second class; townships having a population of one thousand six hundred and less than two thousand four hundred shall belong to and be known as townships of the third class; townships having a population of eight hundred and less than one thousand six hundred shall belong to and be known as townships of the fourth class; townships having a population of six hundred and fifty and less than eight hundred shall belong to and be known as townships of the fifth class; townships having a population of less than six hundred shall belong to and be known as townships of the sixth class; provided, that the board of supervisors of the county may, prior to any general election, consolidate two or more of such townships into one.

13½. Justices of the peace shall receive the following monthly salaries, to be paid each month as the county officers are paid, which shall be in full compensation for all services rendered by them in criminal cases, to wit: In townships of the first class, seventy dollars; in townships of the second class, fifty dollars; in townships of the third class, forty dollars; in townships of the fourth class, forty dollars; in townships of the fifth and sixth class, twenty dollars. In addition to the monthly

salaries herein allowed, each justice of the peace may receive and retain for his own use such fees as are now or may hereafter be allowed by law for all services rendered by him in civil actions; and justices of the first, second, and third class shall be allowed their office rent, not to exceed the sum of five dollars each, for any one month. Each justice must pay into the county treasury, once a month, all fines collected by him.

14. Constables shall receive the following monthly salaries, to be paid each month as the county officers are paid, which shall be in full compensation for all services rendered by them in criminal cases, to wit: In townships of the first class, ninety dollars; in townships of the second class, eighty dollars; in townships of the third class, sixty dollars; in townships of the fourth class, fifty dollars; in townships of the fifth and sixth class, thirty dollars. In addition to the monthly salaries herein allowed, each constable may receive and retain for his own use such fees as are now or may hereafter be allowed by law for all services rendered by him in civil actions; and shall also be allowed all necessary expenses actually incurred in arresting and conveying prisoners to court or to prison, which expense shall be audited and allowed by the board of supervisors and paid out of the county treasury; provided further, that when any constable is required to go out of his own county to serve a warrant of arrest, or any other paper in a criminal case, he shall be allowed mileage, both going and returning, outside of his own county, at the rate of ten cents per mile.

15. Supervisors, each, the sum of six hundred dollars per annum, and mileage at the rate of ten cents per mile for each mile traveled in going to and from the meeting of the board; provided, that only one mileage at any one session of the board shall be allowed. They shall, from and after the passage of this act, act as road commissioners in their respective districts, and shall thereafter receive for their services as such road commissioners mileage at the rate of twenty cents per mile each, one way, for all distances actually traveled by them in the discharge of their duties as such road commissioners; provided, that such mileage as road commissioner shall not, in any one year, exceed the sum of three hundred dollars for any one of the commissioners.

16. The official reporter of the superior court, in the counties of the thirty-eighth class, shall receive as full compensation for taking notes when his services are demanded in civil cases, and in criminal cases tried in said court, and when requested by a justice of the peace, coroner, or district attorney in preliminary examinations, or inquests, a salary of one thousand five hundred dollars per annum, payable in equal monthly instalments, out of the county treasury, at the same time and in the same manner as the salaries of county officers. He shall also be allowed actual traveling expenses when reporting outside of the county seat. When the services of the reporter are demanded in any civil matter, there shall be taxed as costs in the case eight dollars per diem for each day of the trial thereof, to be paid to the clerk of the court in advance, one half by each side. For transcription of said notes in criminal cases and in civil cases, when required, said reporter shall receive not to exceed ten cents per folio of one hundred words for the original and five cents per folio for copy. Where the reporter is required to transcribe the whole or any part of the testimony during the taking of testimony in the superior court, he shall be entitled to receive and retain for his own use not to exceed fifteen cents per folio for the original, and seven and one half cents per folio for each copy; said compensation to be paid, in civil cases, by the party ordering the same, and in criminal cases, together with said traveling expenses, to be audited and allowed by the board of supervisors as other claims against the county and paid out of the county treasury. Per diem fees so collected by the clerk shall be paid into the county treasury on the first Monday of each month.

This act, so far as it relates to the services and compensation of the surveyor and justices of the peace and constables, shall take effect immediately after its passage.

17. Witnesses in criminal cases shall receive one dollar and fifty cents per day, and ten cents per mile for each mile actually traveled, one way only. The court shall make an order directing the auditor to draw his warrant on the county treasurer for the amount due, and the treasurer shall pay the same. The court may disallow any fee to a witness unnecessarily subpoenaed. [Amendment

approved March 23, 1901; Stats. 1901, 772. In effect 12 M. on first Monday after January 1, 1903.]

Sec. 196. In counties of the thirty-ninth class the county officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit:

1. The county clerk two thousand two hundred dollars per annum.
2. The sheriff, five thousand dollars per annum, and fees, commissions, and mileage for the service of papers or process coming from courts other than those of his own county.
3. The recorder, one thousand six hundred dollars per annum; provided, that in counties of this class there shall be and is hereby allowed to the recorder a copyist, who shall be appointed by the recorder, and paid the salary of fifty dollars per month; said salary to be paid by said county in monthly installments, at the time and in the same manner, and out of the same fund as the salary of the recorder is paid; and provided, that such recorder shall collect and pay into the county treasury, for the use and benefit of the county, the fees required by law to be so collected; and provided, that when the amount of said fees collected shall exceed two hundred dollars in any month, the recorder may receive and retain for his own use, in addition to his salary, one half of all fees in excess of two hundred dollars in any month so collected. But the amount of fees thus received by the recorder for his own use, plus his salary, shall not exceed the sum of two thousand dollars in any one year.
4. The auditor, one thousand six hundred dollars per annum.
5. The treasurer, one thousand six hundred dollars per annum.
6. The tax collector, one thousand dollars per annum.
7. The assessor, three thousand dollars per annum; provided, that the assessor shall annually revise the plats in his office, and prepare the military roll at his own cost and expense.
8. The district attorney, one thousand eight hundred dollars per annum.
9. The coroner, such fees as are now or may be hereafter allowed by law.

10. The public administrator, such fees as are now or may be hereafter allowed by law.

11. The superintendent of schools, one thousand four hundred dollars per annum, including services upon the board of education. He shall be allowed his actual traveling expenses when visiting schools of his county, which expenses shall not exceed the sum of three hundred dollars in any one year; provided, that in counties of this class there shall be and is hereby allowed to the superintendent of schools an assistant, who shall be appointed by the superintendent of schools and paid a salary of fifty dollars per month, said salary to be paid by said county in monthly installments, at the same time and in the same manner and out of the same fund as the salary of the superintendent of schools is paid.

12. The surveyor, such fees as are now or may be hereafter allowed by law.

13. Justices of the peace shall receive the following salaries for all services rendered by them in criminal cases, payable monthly, in the same manner as county officers are paid, viz: In townships having a population of more than three thousand five hundred, one hundred dollars per month; in townships having a population of less than three thousand five hundred and more than two thousand, seventy-five dollars per month; in townships having a population of less than two thousand, forty dollars per month. Justices of the peace in counties of this class shall also receive, for their own use and benefit, such fees as are now or hereafter may be allowed by law in civil cases. They shall also be allowed the actual rent for their offices, not to exceed ten dollars per month.

14. Constables shall receive the following salaries, for all services rendered by them in criminal cases, payable monthly, in the same manner as county officers are paid, viz: In townships having a population of more than three thousand five hundred, one hundred dollars per month; in townships having a population of less than three thousand five hundred and more than two thousand, seventy-five dollars per month; in townships having a population of less than two thousand, forty dollars per month. Constables shall also receive, for their own use and benefit, such fees as are now or hereafter may be allowed by law in civil cases. They shall also be allowed their actual

expenses in conveying prisoners from the place of arrest to court, and in case of conviction, from court to the county jail.

15. Supervisors, each six hundred dollars per annum for all services performed by them as supervisors and members of the board of equalization and road commissioners, including mileage; provided, that each supervisor shall receive ten cents for each mile traveled by the ordinary route, in going from his residence to the county seat, and returning once during each meeting. Each supervisor shall be allowed his actual traveling expenses while supervising the roads of his district, not exceeding twenty dollars in any one month.

16. The official reporter of the superior court in counties of the thirty-ninth class shall receive, as full compensation for taking notes when his services are demanded in civil cases, and in all criminal cases tried in said court, and when requested by a justice of the peace, coroner, or district attorney in preliminary examinations, or inquests, a salary of one thousand two hundred dollars per annum, payable in equal monthly installments out of the county treasury at the same time and in the same manner as the salaries of county officers. He shall also be allowed his actual traveling expenses when reporting outside of the county seat. When the services of the reporter are demanded in any civil matter, there shall be taxed as costs in the case, eight dollars per diem, for each day of the trial thereof, to be paid to the clerk of the court, in advance, one half by each side; for transcription of said notes in criminal cases, and in civil cases, when required, said reporter shall receive not to exceed ten cents per folio of one hundred words for the original, and five cents per folio for copy. Where the reporter is required to transcribe the whole or any part of the testimony during the taking of testimony in the superior court, he shall be entitled to receive and retain for his own use, not to exceed fifteen cents per folio for the original, and seven and one half cents per folio for each copy, said compensation to be paid for, in civil cases, by the party ordering the same, and in criminal cases, together with said traveling expenses, to be audited and allowed by the board of supervisors as other claims against the county, and paid out of the county treasury. All per diem fees so collected by the

clerk shall be paid into the county treasury on the first Monday of each month. This section, so far as it relates to the services and compensation of said official reporter, shall take effect immediately after its passage. [Amendment approved March 23, 1901. Stats. 1901, 774.]

Sec. 197. In counties of the fortieth class, the county officers shall receive as compensation for the services required of them by law or by virtue of their offices, the following salaries and fees, to wit:

1. The county clerk, two thousand dollars per annum.
2. The sheriff, four thousand dollars per annum, and all mileage for the service of papers issued out of any court outside of his county.
3. The recorder, one thousand dollars per annum.
4. The auditor, five hundred dollars per annum.
5. The treasurer, fifteen hundred dollars per annum.
6. The tax collector, five hundred dollars per annum, and ten per cent on all licenses collected by him as license collector.
7. The assessor, four thousand dollars per annum.
8. The district attorney, fifteen hundred dollars per annum.
9. The coroner, such fees as are now, or may be hereafter allowed by law.
10. The public administrator, such fees as are now, or may be hereafter allowed by law.
11. The superintendent of schools, fifteen hundred dollars per annum, and actual travelling expenses when visiting the schools of his county.
12. The surveyor, such fees as are now, or may be hereafter allowed by law.
13. Each justice of the peace, the following fees: In civil actions before him, for all services required to be performed by him before trial, two dollars.

For a trial, and all proceedings subsequent thereto, including all affidavits, swearing witnesses and jury, and the entry of judgment, four dollars.

In all cases where judgment is rendered by default or confession, for all services from the filing of the complaint to and including the entry of judgment, three dollars.

For issuing a writ of attachment, to include all affi-

oaths, taking and approving bond, and all oaths and certificates necessary thereto, three dollars.

For all services and proceedings in a criminal action or proceeding, whether on examination or trial, three dollars; provided, that if the defendant plead guilty, only two dollars shall be allowed.

For taking bail, after commitment by another magistrate, only fifty cents.

For making transcript of docket, making up and transmitting papers on appeal, including the certificate to the same, two dollars.

For copies of docket or papers in his office, per folio twenty cents.

For issuing a search warrant, to be paid by the party demanding the same, one dollar.

For celebrating a marriage, and returning the certificate to the recorder, three dollars.

For docketing a judgment or any instrument, for the first name fifty cents; for each additional name twenty-five cents.

For taking depositions, per folio, twenty cents.

For administering an oath, twenty-five cents, and certificate to same, twenty-five cents; for each certificate twenty-five cents.

For issuing a commission to take testimony, seventy-five cents.

For all services connected with the posting of estrays, including the transcript for the recorder, three dollars.

For issuing an execution and entering satisfaction of the judgment, fifty cents.

In all cases before justices of the peace where the venue shall be changed, the justice before whom the action shall be brought, for all services rendered, including the making up and transmission of the manuscript and papers, shall receive three dollars; and the justice before whom the trial shall take place, shall receive the same fees as if the action had been commenced before him.

14. Each constable shall receive the following fees: For serving all summons in civil cases, for each defendant, including the copy required by law, one dollar.

For summoning a jury of twelve or less before a justice, one dollar and fifty cents; for each additional juror above twelve, twenty-five cents.

For taking any bond required by law to be taken, fifty cents.

For summoning each witness, twenty-five cents.

For serving an attachment or levying an execution on the property of a defendant, one dollar and fifty cents.

For summoning and swearing a jury to try the rights of property, and making a verdict, two dollars.

For receiving and taking care of property on execution, order or attachment, his actual necessary expenses, to be allowed by the justice who issued the order, attachment or execution upon the affidavit of the constable that the charges are correct and that the expenses were necessarily incurred.

For collecting all sums on execution, three per cent, to be charged against the defendant named in the execution.

For serving a warrant or order for the delivery of personal property, or making an arrest in a civil case, one dollar and fifty cents.

For making each arrest in criminal cases, two dollars.

For every mile necessarily traveled, in going only, to serve any civil or criminal process or paper, or to take a prisoner before a magistrate or to prison, twenty-five cents; but when two or more persons are served or summoned in the same suit and at the same time, mileage shall be charged only for the most distant, if they live in the same direction.

For sales of estrays, the same fees as for sales on execution.

For the transportation of prisoners to the county jail, the actual necessary expenses.

For attending a justice's court and taking charge of a jury and prisoner when required, two dollars, for each day of actual attendance upon the court.

For all other services, the same fees as are allowed sheriffs for like services.

15. Each member of the board of supervisors, four hundred dollars per annum, and twenty cents per mile for traveling from his residence to the county seat. [Amendment approved March 16, 1903. Stats. 1903, 151. In effect in sixty days.]

Sec. 198. In counties of the forty-first class the county officers shall receive, as compensation for the services re-

quired of them by law or by virtue of their offices, the following salaries, to wit:

1. The county clerk, three thousand dollars per annum.
2. The sheriff, four thousand dollars per annum, and actual traveling expenses incurred in the pursuit or arrest of criminals, either in or out of his county.

3. The recorder, one thousand five hundred dollars per annum.

4. The auditor, one thousand dollars per annum.

5. The treasurer, one thousand five hundred dollars per annum.

6. The tax collector, one thousand dollars per annum, which shall be in full for all services as tax collector and as license collector.

7. The assessor, two thousand five hundred dollars per annum.

8. The district attorney, two thousand dollars per annum.

9. The coroner, such fees as are now or may be hereafter allowed by law.

10. The public administrator, such fees as are now or may be hereafter allowed by law.

11. The superintendent of schools, one thousand two hundred dollars per annum, and actual traveling expenses when visiting the schools of his county.

12. The surveyor, such fees as are now or may be hereafter allowed by law.

13. Justices of the peace, the fees which now are or hereafter may be allowed by law; provided, that where the trial of any case shall occupy more than one day, and not less than three hours of such day, the justice shall also be allowed three dollars for each additional day consumed in such trial.

14. Constables, the fees which now are or hereafter may be allowed by law; provided, that the constable shall also be allowed at the rate of two dollars and fifty cents per day for each day of actual attendance on the trial of cases in the justices' court, where such attendance is pursuant to the order of the justice thereof.

15. Each member of the board of supervisors, five hundred dollars per annum, and his necessary expenses when attending to the business of the county other than the

meetings of the board, and twenty cents per mile in going from his residence to the county seat at each meeting of the board; and when serving as road commissioner, three dollars per day, and twenty cents per mile one way for all actual distances traveled by him in the performance of his duties as such commissioner.

16. In counties of this class the official reporter of the superior court shall receive, as full compensation for taking notes in civil and criminal cases tried in said court, and for preliminary examination in justices' courts; a monthly salary of one hundred dollars, payable out of the county treasury, at the same time and in the same manner as the salaries of the county officers; and for transcription of said notes, when required, he shall receive the sum of ten cents per folio for the original, and five cents per folio for a copy; said compensation for transcription in criminal cases to be audited and allowed by the board of supervisors as other claims against the county, and paid out of the county treasury; and in civil cases, to be paid by the party ordering the same, or, when ordered by the judge, by either party, or jointly by both parties, as the court may direct.

Subdivisions thirteen and fourteen of this section shall take effect immediately. [Amendment approved March 23, 1901. Stats. 1901, 777. In effect partly immediately and partly 12 M. on first Monday after January 1, 1903.]

Sec. 199. In counties of the forty-second class the county officers shall receive, as compensation for the services required of them by law or by virtue of their offices, the following salaries, to wit:

1. The county clerk, two thousand four hundred dollars per annum.

2. The sheriff, four thousand dollars per annum, and the fees or commissions for the service of all papers issued by any court of the state outside of his county. Also his actual traveling expenses in the execution of a warrant outside of his county issued by a magistrate or court of his county.

3. The recorder, eighteen hundred dollars per annum.

4. The auditor, one thousand eight hundred dollars per annum.

5. The treasurer, one thousand six hundred dollars per annum.

6. The tax collector, one thousand two hundred dollars per annum.

7. The assessor, three thousand dollars per annum.

8. The district attorney, two thousand dollars per annum.

9. The coroner, such fees as are now or may be hereafter allowed by law.

10. The public administrator, such fees as are now or may be hereafter allowed by law.

11. The superintendent of schools, one thousand six hundred dollars per annum, and actual traveling expenses when visiting the schools of his county.

12. The surveyor, fifteen hundred dollars per annum, which shall be in full for all services required of him by the superior court or the board of supervisors, and as ex-officio county recorder; provided, that he shall be entitled to receive from the county his actual and necessary traveling expenses, incurred in the performance of any order of the court or board of supervisors; for all other services the fees allowed by law.

13. Justices of the peace shall receive the following monthly salaries, to be paid each month, and in the same manner and out of the same fund as county officers are paid, which shall be in full for all services rendered by them in criminal cases: In townships having a population of more than nine hundred, seventy-five dollars per month; in townships having a population of less than nine hundred and more than five hundred, fifty dollars per month; in townships having a population of less than five hundred, thirty dollars per month. In addition to the compensation received in criminal cases each justice of the peace shall receive and retain for his own use such fees as are now or may hereafter be allowed by law for all services performed by him in civil actions.

14. Constables shall receive the following monthly salaries, to be paid each month, and in the same manner and out of the same fund as county officers are paid, which shall be in full for all services rendered by them in criminal cases: In townships having a population of more than nine hundred, seventy-five dollars per month; in townships having a population of less than nine hundred and more than five hundred, fifty dollars per month; in townships having a population of less than five hundred, thirty dollars per month; provided, that each constable

shall receive his actual and necessary expenses incurred in conveying prisoners to the county jail. In addition to the compensation received in criminal cases each constable shall receive and retain for his own use such fees as are now or may hereafter be allowed by law for all services performed by him in civil actions.

15. Each supervisor, one hundred dollars per month, and mileage at the rate of twenty cents per mile for traveling from residence to county seat to attend upon a session of the board. The salary herein allowed shall be in full for all services, including duties as road commissioner.

16. The official reporter, such fees as are now provided by law.

17. This act, and the amendments contained in the foregoing section relating to counties of the forty-second class, shall take effect immediately as to the compensation of justices of the peace, constables, and supervisors. [Amendment approved March 23, 1901. Stats. 1901, 779. In effect partly immediately and partly 12 M. on the first Monday after January 1, 1903.]

Sec. 206. In counties of the forty-third class, the county officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit:

1. The county clerk, one thousand eight hundred dollars per annum.

2. The sheriff, three thousand dollars per annum. The sheriff shall also receive for his own use and benefit all fees, commissions and mileage, in all civil cases within his county, and all fees, commissions and mileage for service of any papers issued by any court outside of his county.

3. The recorder, twelve hundred dollars per annum.

4. The auditor, six hundred dollars per annum.

5. The treasurer, one thousand dollars per annum.

6. The tax collector, six hundred dollars per annum. The tax collector shall be allowed one deputy for the months of November and April of each year, at a compensation of one hundred dollars per month.

7. The assessor, twenty-four hundred dollars per annum.

8. The district attorney, one thousand five hundred dollars per annum.

9. The coroner, such fees as are now or may hereafter be allowed by law.

10. The public administrator, such fees as now or may hereafter be allowed by law.

11. The superintendent of schools, one thousand five hundred dollars per annum.

12. The surveyor, such fees as are now or may hereafter be allowed by law.

13. Justices of the peace shall receive the following monthly salaries, to be paid each month, and in the same manner and out of the same fund as county officers are paid, which shall be in full for all services rendered by them in criminal cases: In townships having a population of more than twenty-five hundred, seventy dollars per month; in townships having a population of less than twenty-five hundred and more than one thousand, twenty dollars per month; in townships having a population of less than one thousand and more than six hundred, fifteen dollars per month; in townships having a population of less than six hundred, ten dollars per month. In addition to the compensation received in criminal cases, each justice of the peace shall receive and retain for his own use such fees as are now or may hereafter be allowed by law for all services performed by him in civil actions.

14. Constables shall receive the following monthly salaries to be paid each month, and in the same manner and out of the same fund as county officers are paid, which shall be in full for all services rendered by them in criminal cases: In townships having a population of more than twenty-five hundred, thirty-five dollars per month; in townships having a population of less than twenty-five hundred and more than one thousand, fifteen dollars per month; in townships having a population of less than one thousand, ten dollars per month; provided, that each constable shall receive his actual and necessary expenses incurred in conveying prisoners to the county jail. In addition to the compensation received in criminal cases, each constable shall receive and retain for his own use such fees as are now or may hereafter be allowed by law for all services performed by him in civil actions.

15. Supervisors, five dollars per day for each day while in the service of the county, and twenty cents per mile for traveling from residence to county seat.

16. Each member of the board of education shall receive five dollars per day as compensation for his services when in actual attendance upon said board and mileage at the rate of twenty cents per mile, one way, from his residence to the place of meeting of said board. The secretary of said board of education shall receive five dollars per day for his services for the actual time that the board may be in session. Said compensation of the members of said board and of said secretary shall be paid out of the same fund as the salary of the superintendent of schools. Claims of such service and mileage shall be presented to the board of supervisors and shall be allowed at the rate above named, and in the same manner as other claims against the county are allowed. The compensation of the members of the county board of education herein provided is not in addition to that provided in section seventeen hundred and seventy of the Political Code.

17. For the purposes of subdivisions thirteen and fourteen of this section, the population of the several judicial townships shall be ascertained by the board of supervisors, by multiplying by five the vote for presidential electors cast in each township at the next preceding election. [Amendment approved March 19, 1903. Stats. 1903, 237. In effect in sixty days.]

Sec. 201. In counties of the forty-fourth class, the county officers shall receive, as compensation for the services required of them by law or by virtue of their offices, the following salaries, to wit:

1. The county clerk, eighteen hundred dollars per annum.
2. The sheriff, thirty-five hundred dollars per annum.
3. The recorder, fifteen hundred dollars per annum.
4. The auditor, fifteen hundred dollars per annum.
5. The treasurer, fifteen hundred dollars per annum.
6. The tax collector, ten hundred dollars per annum.
7. The assessor, twenty-five hundred dollars per annum.
8. The district attorney, eighteen hundred dollars per annum.
9. The coroner, such fees as are now or may be hereafter allowed by law.
10. The public administrator, such fees as are now or may be hereafter allowed by law.
11. The superintendent of schools, ten hundred dollars per annum.

12. The surveyor, ten dollars per day when engaged in county work. He shall also receive his actual expenses when at work in the field.

13. Justices of the peace, such fees as are now or may be hereafter allowed by law.

14. Constables, such fees as are now or may be hereafter allowed by law.

15. Each member of the board of supervisors, six hundred dollars per annum, and twenty-five cents per mile while traveling from their respective residences to the county seat, not more than once each month.

16. In counties of this class the official reporter of the superior court shall receive, as full compensation for taking notes in civil and criminal cases tried in said court, and for preliminary examinations in justices' courts, a monthly salary of one hundred dollars, payable out of the county treasury, at the same time and in the same manner as the salaries of county officers; and for transcription of said notes, when required, he shall receive the sum of ten cents per folio for the original, and five cents per folio for a copy; said compensation for transcription in criminal cases to be audited and allowed by the board of supervisors as other claims against the county and paid out of the county treasury, and in civil cases, to be paid by the party ordering the same, or, when ordered by the judge, by either party, or jointly by both parties, as the court may direct; provided, that in any one year, the reporter shall not receive more than eighteen hundred dollars for services as such reporter.

17. In counties of this class the board of supervisors may appoint a horticultural commissioner, who shall have expert knowledge of the duties pertaining to the position, who shall serve at the pleasure of the board, and who shall be paid a salary of not to exceed seventy-five dollars per month. [Amendment approved March 23, 1901. Stats. 1901, 781. In effect 12 M. on first Monday after January 1, 1903.]

Sec. 202. In counties of the forty-fifth class the county officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit:

1. The county clerk, thirteen hundred dollars per annum.
2. The sheriff, twenty-four hundred dollars per annum,

and the fees or commissions for the service of all papers issued by any court of the state outside of his county, and his actual and necessary traveling expenses while executing a warrant outside of his county issued by a magistrate or court within his county.

3. The recorder, thirteen hundred dollars per annum.
4. The auditor, seven hundred dollars per annum.
5. The treasurer, one thousand dollars per annum.
6. The tax collector, five hundred dollars per annum.
7. The assessor, fifteen hundred dollars per annum.
8. The district attorney, one thousand dollars per annum.
9. The coroner, such fees as are now or may be hereafter allowed by law.
10. The public administrator, such fees as are now or may be hereafter allowed by law.
11. The superintendent of schools, eight hundred dollars per annum, and actual and necessary traveling expenses when visiting schools of his county.
12. The surveyor, such fees as are now or may be hereafter allowed by law.
13. Justices of the peace, such fees as are now or may be hereafter allowed by law.
14. Constables, such fees as are now or may be hereafter allowed by law.
15. Each member of the board of supervisors, four dollars a day when the board is in session, and ten cents a mile, in going only, for traveling from his residence to the county seat, and when serving as road commissioner three dollars per day, and actual and necessary expenses; provided, he shall not in any one year receive more than three hundred dollars as supervisor, exclusive of mileage, nor more than two hundred dollars as road commissioner, exclusive of traveling expenses.
16. Each member of the board of education shall receive five dollars per day as compensation for his services when in actual attendance upon said board, and mileage at the rate of ten cents per mile, one way only, from his residence to the place of meeting of said board. The secretary of said board of education shall receive five dollars per day for his services for the actual time that the board may be in session. Said compensation of the members of said board and of said secretary shall be paid out of the

same fund as the salary of the superintendent of schools. Claims of such service and mileage shall be presented to the board of supervisors and shall be allowed at the rate above named, and in the same manner as other claims against the county are allowed. The compensation of the members of the county board of education herein provided is not in addition to that provided in section seventeen hundred and seventy of the Political Code. [Amendment approved March 28, 1901. Stats. 1901, 782. In effect 12 M. on first Monday after January 1, 1908.]

Sec. 203. In counties of the forty-sixth class the county officers shall receive, as compensation for the services required of them by law or by virtue of their offices, the following salaries, to wit:

1. The county clerk, fifteen hundred dollars per annum.
2. The sheriff, thirty-five hundred dollars per annum, and actual traveling expenses incurred in the pursuit or arrest of criminals, either in or out of his county.
3. The recorder, one thousand dollars per annum.
4. The auditor, five hundred dollars per annum.
5. The treasurer, one thousand dollars per annum.
6. The tax collector, five hundred dollars per annum, which shall be in full for all services as tax collector and as license collector.
7. The assessor, eighteen hundred dollars per annum.
8. District attorney, fifteen hundred dollars per annum.
9. The coroner, such fees as are now or may be hereafter allowed by law.
10. The public administrator, such fees as are now or may be hereafter allowed by law.
11. The superintendent of schools, twelve hundred dollars per annum, and actual traveling expenses when visiting the schools of his county.
12. The surveyor, such fees as are now or may be hereafter allowed by law.
13. Justices of the peace, the fees which now are or hereafter may be allowed by law; provided, that where the trial of any case shall occupy more than one day, and not less than three hours of such day, the justice shall also be allowed three dollars for each additional day consumed in such trial.

14. Constables, the fees which now are or hereafter may be allowed by law; provided, that the constable shall also be allowed at the rate of two dollars and fifty cents per day for each day of actual attendance on the trial of cases in the justice's court, where such attendance is pursuant to the order of the justice thereof.

15. Each member of the board of supervisors, five dollars per day when the board is in session, and twenty cents per mile for traveling from his residence to the county seat; and, when serving as road commissioner, three dollars per day and mileage as allowed by law. But he shall not in any one year receive more than three hundred and fifty dollars as supervisor or more than two hundred and fifty dollars as road commissioner, exclusive of mileage.

16. In counties of this class, the official reporter of the superior court shall receive, as full compensation for taking notes in civil and criminal cases tried in said court, and for preliminary examinations in justice's court, a monthly salary of fifty dollars, payable out of the county treasury at the same time and in the same manner as the salaries of county officers; and for transcription of said notes, when required, he shall receive the sum of ten cents per folio for the original and five cents per folio for a copy; said compensation for transcription in criminal cases to be audited and allowed by the board of supervisors as other claims against the county, and paid out of the county treasury, and in civil cases to be paid by the party ordering the same, or, when ordered by the judge, by either party, or jointly by both parties, as the court may direct.

Subdivisions thirteen and fourteen of this section shall take effect immediately. [Amendment approved March 23, 1901. Stats. 1901, 783. In effect partly immediately and partly 12 M. on first Monday after January 1, 1903.]

Sec. 204. In counties of the forty-seventh class the county officers shall receive, as compensation for the services required of them by law or by virtue of their offices, the following salaries, to wit:

1. The county clerk, twenty-seven hundred dollars per annum.

2. The sheriff, three thousand dollars per annum, and the fees or commissions for the service of all papers issued

by any court of the state outside of his county; also, his actual and necessary traveling expenses in the execution of a warrant outside of his county issued by a court or magistrate of his county.

3. The recorder, fifteen hundred dollars per annum.
4. The auditor, twelve hundred dollars per annum.
5. The treasurer, twelve hundred dollars per annum.
6. The tax collector, one thousand dollars per annum.
7. The assessor, twenty-five hundred dollars per annum.
8. The district attorney, sixteen hundred dollars per annum.

9. The coroner, such fees as are now or may be hereafter allowed by law.

10. The public administrator, such fees as are now or may be hereafter allowed by law.

11. The superintendent of schools, sixteen hundred dollars per annum, and traveling expenses while visiting schools of his county.

12. The surveyor, such fees as are now or may be hereafter allowed by law.

13. Justices of the peace shall receive the following monthly salaries, to be paid each month, and in the same manner and out of the same fund as county officers are paid, which shall be in full for all services rendered by them in criminal cases: In townships having a population of more than nine hundred, seventy-five dollars per month; in townships having a population of less than nine hundred and more than five hundred, fifty dollars per month; in townships having a population of less than five hundred, twenty dollars per month. In addition to the compensation received in criminal cases, each justice of the peace shall receive and retain for his own use such fees as are now or may be hereafter allowed by law for all services performed by him in civil actions.

14. Constables shall receive the following monthly salaries, to be paid each month, and in the same manner and out of the same fund as county officers are paid, which shall be in full for all services rendered by them in criminal cases: In townships having a population of more than nine hundred, seventy-five dollars per month; in townships having a population of less than nine hundred and more than five hundred, fifty dollars per month; in

townships having a population of less than five hundred, twenty dollars per month; provided, that each constable shall receive his actual and necessary expenses incurred in conveying prisoners to the county jail. In addition to the compensation received in criminal cases, each constable shall receive and retain for his own use such fees as are now or may hereafter be allowed by law for all services performed by him in civil actions.

15. Each supervisor, five dollars per day while attending sessions of the board and while engaged in the performance of the duties of road commissioner, and mileage at the rate of twenty cents per mile for traveling from residence to county seat in attendance upon a regular session of the board.

16. Official reporters, same as now provided by law.

This act, so far as it relates to counties of the forty-seventh class, shall take effect immediately as to the offices of justices of the peace and constables, but shall not affect the compensation of other officers during the present term of office. [Amendment approved March 23, 1901. Stats. 1901, 784. In effect partly immediately and partly 12 M. on first Monday after January 1, 1903.]

Sec. 205. In counties of the forty-eighth class the county officers shall receive, as compensation for the services required of them by law or by virtue of their offices, the following salaries, to wit:

1. The county clerk, one thousand five hundred dollars per annum.

2. The sheriff, two thousand five hundred dollars per annum.

3. The recorder, one thousand dollars per annum.

4. The auditor, five hundred dollars per annum.

5. The treasurer, eight hundred dollars per annum.

6. The tax collector, one thousand dollars per annum.

7. The assessor, one thousand five hundred dollars per annum.

8. The district attorney, one thousand two hundred dollars per annum.

9. The coroner, such fees as are now, or may be hereafter allowed by law.

10. The public administrator, such fees as are now or may be hereafter allowed by law.

11. The superintendent of schools, seven hundred dollars per annum and actual traveling expenses when visiting the schools of his county.

12. The surveyor, such fees as are now or may be hereafter allowed by law.

13. Justices of the peace, such fees as are now or may be hereafter allowed by law.

14. Constables, such fees as are now or may be hereafter allowed by law.

15. Each supervisor, two hundred and fifty dollars per annum, and twenty-five cents per mile for traveling, one way only, to the county seat at each sitting of the board; it is further provided, that the chairman of the board of supervisors shall receive the same mileage in coming to the county seat to count the moneys in the county treasury in months when the board of supervisors are not in session, as is received for coming to a regular or special session of said board. But at no time shall he receive the amount of two mileages for any one trip.

16. The license collector shall receive such compensation as the board of supervisors shall fix.

17. In counties of this class the official court reporter, for all services required of him in the superior court, and for preliminary examinations in justices' courts, and for coroner's inquests, excepting for transcribing his notes, a monthly salary of sixty dollars, payable out of the county treasury, and in the same manner as the salary of county officers, and for transcription of his notes of testimony in the superior court in criminal cases, when required by the court, and in preliminary examinations and coroner's inquests, eight cents per folio for original and four cents per folio for copy; the compensation for such transcription hereinbefore provided for to be audited and allowed by the board of supervisors as other claims against the county and paid out of the county treasury. For transcription of his notes of testimony in the superior court, when required, in civil cases, ten cents per folio for original and five cents per folio for copy, to be paid by the party ordering the same, or when ordered by the judge, by either party, or by both parties, as the court may direct, to be taxed as costs when ordered by the judge of his own motion or on application of the parties. It shall be his duty to attend all preliminary examinations in the justice's

court and before the coroner in homicide cases, when not engaged in the superior court, and he shall receive his actual traveling expenses while attending justice's court and before the coroner; it is further provided, that in each civil case, matter, or proceeding reported by the official reporter in the superior court, there shall be taxed as costs in the case, matter, or proceeding, eight dollars per diem fee each day of the trial or hearing thereof. Such per diem fee shall be paid to the clerk of the court daily in advance by the parties to the case, matter, or proceeding in equal proportions. All per diem fees so collected shall be paid by said clerk into the treasury of the county. [Amendment approved March 23, 1901. Stats. 1901, 785. In effect 12 M. on first Monday after January 1, 1903.]

Sec. 206. In counties of the forty-ninth class, the county officers shall receive, as compensation for the services required of them by law or by virtue of their offices, the following salaries, to wit:

1. The county clerk, twelve hundred dollars per annum, except in the years when a general election is held, and in such years he shall receive fifteen hundred dollars per annum.

2. The sheriff, thirty-eight hundred dollars per annum.

3. The recorder, one thousand two hundred dollars per annum; provided, that such recorder shall collect and pay into the county treasury, for the use and benefit of the county, the fees required by law to be so collected; and provided, that when the amount of said fees collected shall exceed one hundred dollars in any month, the recorder may receive and retain for his own use, in addition to his salary, one half of all fees in excess of one hundred dollars in any month so collected.

4. The auditor, six hundred dollars per annum.

5. The treasurer, twelve hundred dollars per annum.

6. The tax collector, seven hundred dollars per annum, and ten per cent of all licenses collected by him.

7. The assessor, sixteen hundred and fifty dollars per annum.

8. The district attorney, twelve hundred dollars per annum.

9. The coroner, such fees as are now or may be hereafter allowed by law.

10. The public administrator, such fees as are now or may be hereafter allowed by law.

11. The superintendent of schools, six hundred dollars per annum, and actual traveling expenses while visiting the schools of the county.

12. The surveyor, such fees as are now or may be hereafter allowed by law.

13. Justices of the peace, such fees as are now or may be hereafter allowed by law.

14. Constables, such fees as are now or may be hereafter allowed by law.

15. Each member of the board of supervisors, five dollars per day for each day's actual services while the board is in session, and ten cents per mile for each mile necessarily traveled to and from the place of meeting; also three dollars per day for each day's services while serving as road commissioner, such compensation as road commissioner not to exceed three hundred dollars per annum.

16. Grand jurors and jurors in the superior court in criminal cases shall be paid three dollars per day for each day's attendance and for each mile actually traveled in going only, while acting as such juror, fifteen cents; and the judge of said court shall make an order directing the auditor to draw his warrant on the treasurer in favor of such juror for said per diem and mileage, and the treasurer shall pay the same. The provisions of section two hundred and six of this act, so far as the same relates to fees of jurors, shall take effect August first, nineteen hundred and one. [Amendment approved March 23, 1901. Stats. 1901, 787. In effect partly August 1, 1901, and partly 12 M. on first Monday after January 1, 1903.]

Sec. 207. In counties of the fiftieth class the county officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit:

1. The county clerk, one thousand five hundred dollars per annum.

2. The sheriff, three thousand dollars per annum.

3. The recorder, one thousand two hundred dollars per annum.

4. The auditor, three hundred dollars per annum.

5. The treasurer, one thousand two hundred dollars per annum.

6. The tax collector, three hundred dollars per annum.

7. The assessor, one thousand five hundred dollars per annum.

8. The district attorney, one thousand dollars per annum.

9. The coroner, such fees as are now or may be hereafter allowed by law.

10. The public administrator, such fees as are now or may be hereafter allowed by law.

11. The superintendent of schools, six hundred dollars per annum, and actual traveling expenses when visiting the schools of his county.

12. The surveyor, such fees as are now or may be hereafter allowed by law.

13. Justices of the peace, such fees as are now or may be hereafter allowed by law.

14. Constables, such fees as are now or may be hereafter allowed by law.

15. Each supervisor, eight dollars per day when the board is in session, but he shall not in any one year receive more than three hundred dollars as supervisor.

16. The official reporter of the superior court in counties of this class shall receive as full compensation for taking notes and transcribing the same when his services are demanded in civil cases tried in said court and when requested by a justice of the peace, coroner, or district attorney in preliminary examinations or inquests, a salary of one thousand dollars per annum, payable in equal monthly installments out of the county treasury, at the same time and in the same manner as the salaries of county officers. He shall also be allowed his actual traveling expenses when reporting outside the county seat. When the services of said reporter are demanded in any civil matter they shall be taxed as costs in the case, five dollars per diem for each day of the trial thereof, to be paid to the clerk of the court, in advance, one half by each side; and for transcription of said notes in civil cases, when required, said clerk of the court shall receive, as the court shall direct, not to exceed ten cents per folio of one hundred words for the original and five cents per folio for copy, said compensation to be paid for in civil

cases by the party ordering the same transcribed, and said traveling expenses to be audited and allowed by the board of supervisors as other claims against the county, and paid out of the county treasury from any funds not otherwise appropriated. All fees and per diem collected by the clerk shall be paid into the county treasury on the first Monday of each month.

This act, so far as it relates to the services and compensation of said official reporter, shall take effect immediately after its passage.

This act, so far as it relates to counties of this class, shall not affect the compensation of officers during the present term of office, except as herein otherwise specially provided.

17. The license collector, such compensation as the board of supervisors shall fix. [Amendment approved March 23, 1901. Stats. 1901, 788. In effect in part immediately and in part 12 M. on first Monday after January 1, 1903.]

Sec. 208. In counties of the fifty-first class the county officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit:

1. The county clerk, one thousand five hundred dollars per annum.

2. The sheriff, three thousand dollars per annum.

3. The recorder, eight hundred dollars per annum.

4. The auditor, two hundred dollars per annum.

5. The treasurer, one thousand dollars per annum.

6. The tax collector, five hundred dollars per annum.

7. The assessor, one thousand five hundred dollars per annum.

8. The district attorney, one thousand two hundred dollars per annum.

9. The coroner, such fees as are now or may be hereafter allowed by law.

10. The public administrator, such fees as are now or may be hereafter allowed by law.

11. The superintendent of schools, six hundred dollars per annum, and actual traveling expenses when visiting the schools of his county.

12. The surveyor, such fees as are now or may be hereafter allowed by law.

13. Justices of the peace, such fees as are now or may be hereafter allowed by law.

14. Constables, such fees as are now or may be hereafter allowed by law.

15. Each supervisor, six dollars per day when the board is in session, not to exceed three hundred dollars per year, and twenty-five cents per mile for traveling one way only from his residence to the county seat at each sitting of the board.

16. In counties of this class the official reporter of the superior court shall receive, as such compensation for taking notes, when his or her services are demanded by either party or ordered by the court, in civil cases or proceedings tried in open court, and matters heard at chambers, and in all criminal cases and matters tried and heard in said court, and for preliminary examinations in justices' courts, a monthly salary of fifty dollars, payable out of the county treasury, at the same time and in the same manner as the salaries of county officers. He or she shall also be allowed his or her actual traveling expenses when reporting outside of the county seat. For transcription of said notes, when required, he or she shall receive the sum of ten cents per folio for the original, and five cents per folio for each copy; said compensation in criminal cases to be audited and allowed by the board of supervisors, as other claims against the county, and paid out of the county treasury; and in civil cases, to be paid by the parties ordering the same, or when ordered by the judge, by either party, or jointly by both parties, as the court may direct.

This section shall take effect immediately. [Amendment approved March 23, 1901. Stats. 1901, 789.]

Sec. 209. In counties of the fifty-second class the county officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit:

1. The county clerk, fifteen hundred dollars per annum.
2. The sheriff, three thousand dollars per annum.
3. The recorder, eight hundred dollars per annum.
4. The auditor, six hundred dollars per annum.
5. The treasurer, one thousand dollars per annum.
6. The tax collector, one thousand dollars per annum.

7. The assessor, fifteen hundred dollars per annum.
8. The district attorney, one thousand dollars per annum.
9. The coroner, such fees as are now or may be hereafter allowed by law.
10. The public administrator, such fees as are now or may be hereafter allowed by law.
11. The superintendent of schools, seven hundred dollars per annum.
12. The surveyor, such fees as are now or may be hereafter allowed by law.
13. Justices of the peace, such fees as are now or may be hereafter allowed by law.
14. Constables, such fees as are now or may be hereafter allowed by law.
15. Each member of the board of supervisors, two hundred and fifty dollars per annum; mileage from residence to county seat at each sitting of the board, twenty cents per mile. [Amendment approved March 23, 1901. Stats. 1901, 790. In effect 12 M. on first Monday after January 1, 1903.]

Sec. 210. In counties of the fifty-third class the county officers shall receive, as compensation for the services required of them by law or by virtue of their offices, the following salaries, to wit:

1. The county clerk, sixteen hundred dollars per annum.
2. The sheriff, four thousand dollars per annum.
3. The recorder, eight hundred dollars per annum.
4. The auditor, two hundred dollars per annum.
5. The treasurer, one thousand dollars per annum.
6. The tax collector, one thousand dollars per annum.
7. The assessor, twelve hundred dollars per annum.
8. The district attorney, nine hundred dollars per annum.
9. The coroner, such fees as are now or may be hereafter allowed by law.
10. The public administrator, such fees as are now or may be hereafter allowed by law.
11. The superintendent of schools, four hundred dollars per annum.
12. The surveyor, such fees as are now or may be hereafter allowed by law.
13. Justices of the peace, such fees as are now or may be hereafter allowed by law.

14. Constables, such fees as are now or may be hereafter allowed by law.

15. Each member of the board of supervisors, six dollars per day when board is in session; thirty cents per mile, one way. Three dollars per day when actually serving as road commissioner, not to exceed three hundred dollars.

16. In counties of this class the official reporter of the superior court shall receive, as full compensation for taking notes in civil and criminal cases tried in said court, and for preliminary examinations in justices' courts, a salary of ten dollars per diem during employment, payable out of the county treasury, at the same time and in the same manner as the salaries of county officers, and for transcription of said notes, when required, he shall receive the sum of ten cents per folio for the original and five cents per folio for a copy; said compensation for transcription in criminal cases to be audited and allowed by the board of supervisors as other claims against the county, and paid out of the county treasury, and in civil cases to be paid by the party ordering the same, or, when ordered by the judge, by either party, or jointly by both parties, as the court may direct. [Amendment approved March 28, 1901. Stats. 1901, 791. In effect 12 M. on first Monday after January 1, 1903.]

Sec. 211. In counties of the fifty-fourth class, the county officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit:

1. The county clerk, one thousand three hundred dollars per annum; provided, that in years when a great register is ordered the county clerk shall receive in addition to his regular salary the sum of four hundred dollars for such services.

2. The sheriff, two thousand five hundred dollars per annum, and twenty-five cents mileage, in going only.

3. The recorder, four hundred dollars per annum.

4. The auditor, three hundred dollars per annum.

5. The treasurer, one thousand dollars per annum.

6. The tax collector, three hundred and fifty dollars per annum.

7. The assessor, one thousand six hundred dollars per annum.

8. The district attorney, one thousand dollars per annum, and his necessary traveling expenses, to be allowed by the board of supervisors.

9. The coroner, such fees as are now or may be hereafter allowed by law.

10. The public administrator, such fees as are now or may be hereafter allowed by law.

11. The superintendent of schools, six hundred and twenty-five dollars per annum, and actual traveling expenses when visiting the schools of his county.

12. The surveyor, such fees as are now or may be hereafter allowed by law.

13. Justices of the peace, such fees as are now or may be hereafter allowed by law.

14. Constables, such fees as are now or may be hereafter allowed by law.

15. Each supervisor, five dollars per day when the board is in session, and twenty cents per mile for traveling to and from his residence to the county seat at each session; but he shall not in any one year receive more than five hundred dollars as supervisor.

16. The official reporter of the superior court in counties of this class shall receive, as full compensation for taking notes and transcribing the same when his services are demanded in civil cases tried in said court, and when requested by a justice of the peace, coroner, or district attorney in preliminary examination, or in quests, a salary of one thousand dollars per annum, payable in equal monthly installments out of the county treasury, at the same time and in the same manner as the salaries of county officers. He shall also be allowed his actual traveling expenses when reporting outside the county seat. When the services of said reporter are demanded in any civil matter, they shall be taxed as costs in the case, five dollars per diem for each day of the trial thereof, to be paid to the clerk of the court, in advance, one half by each side; and for transcription of said notes in civil cases, when required, said clerk of the court shall receive as the court shall direct, not to exceed ten cents per folio of one hundred words for the original and five cents per folio for copy; said compensation to be paid for in civil cases by the party ordering the same transcribed, and said traveling expenses to be audited and allowed by the board of super-

visors as other claims against the county, and paid out of the county treasury from any funds not otherwise appropriated. All fees and per diem collected by the clerk shall be paid into the county treasury on the first Monday of each month.

This act, so far as it relates to the services and compensation of said official reporter shall take effect immediately after its passage.

This act, so far as it relates to counties of this class, shall not affect the compensation of officers during the present term of office, except as herein otherwise specifically provided.

17. The license collector, such compensation as the board of supervisors shall fix. [Amendment approved March 23, 1901. Stats. 1901, 792. In effect in part immediately and in part 12 M. on first Monday after January 1, 1903.]

Sec. 212. In counties of the fifty-fifth class, the county officers shall receive, as compensation for the services required of them by law or by virtue of their offices, the following salaries, to wit:

1. The county clerk, nine hundred dollars per annum.
2. The sheriff, twelve hundred dollars per annum.
3. The recorder, six hundred dollars per annum.
4. The auditor, three hundred dollars per annum.
5. The treasurer, nine hundred dollars per annum.
6. The tax collector, nine hundred dollars per annum.
7. The assessor, six hundred dollars per annum.
8. The district attorney, nine hundred dollars per annum.
9. The coroner, such fees as are now or may be hereafter allowed by law.
10. The public administrator, such fees as are now or may be hereafter allowed by law.
11. The superintendent of schools, four hundred dollars per annum.
12. The surveyor, such fees as are now or may be hereafter allowed by law.
13. Justices of the peace, such fees as are now or may be hereafter allowed by law.
14. Constables, such fees as are now or may be hereafter allowed by law.
15. Each member of the board of supervisors, three

hundred dollars per annum and twenty cents per mile in traveling from his residence to the county seat, going only; provided, that only one mileage shall be allowed for any regular session of the board.

16. In counties of this class the official reporter of the superior court shall receive, as full compensation for taking notes in civil and criminal cases tried in said court, and for preliminary examinations in justices' courts and at coroners' inquests, a monthly salary not to exceed fifty dollars, payable out of the county treasury, at the same time and in the same manner as the salaries of county officers; and for transcription of said notes, when required, he shall receive the sum of ten cents per folio for the original and five cents per folio for a copy; said compensation for transcription in criminal cases to be audited and allowed by the board of supervisors as other claims against the county, and paid out of the county treasury, and in civil cases, to be paid by the party ordering the same, or, when ordered by the judge, by either party, or jointly by both parties, as the court may direct.

Sec. 213. In counties of the fifty-sixth class the county officers shall receive, as compensation for the services required of them by law or by virtue of their offices, the following salaries, to wit:

1. The county clerk, twelve hundred dollars per annum.
2. The sheriff, twenty-six hundred dollars per annum.
3. The recorder, six hundred dollars per annum.
4. The auditor, two hundred dollars per annum.
5. The treasurer, one thousand dollars per annum.
6. The tax collector, five hundred dollars per annum.
7. The assessor, twelve hundred dollars per annum.
8. The district attorney, nine hundred dollars per annum.
9. The coroner, such fees as are now or may be hereafter allowed by law.
10. The public administrator, such fees as are now or may be hereafter allowed by law.
11. The superintendent of schools, four hundred dollars per annum.
12. The surveyor, such fees as are now or may be hereafter allowed by law.

13. Justices of the peace, such fees as are now or may be hereafter allowed by law.

14. Constables, such fees as are now or may be hereafter allowed by law.

15. Each member of the board of supervisors, six dollars per day during session, and thirty cents per mile one way to board meeting; three dollars per day (no mileage) as road commissioner when actually engaged in road business.

16. In counties of this class the official reporter of the superior court shall receive, as full compensation for taking notes in civil and criminal cases tried in said court, and for preliminary examinations in justices' courts, a per diem of eight dollars; and for transcription of said notes, when required during the progress of the trial, he shall receive the sum of twenty cents per folio for the original and five cents per folio for one copy; but if such transcription is not required until after conclusion of trial, then he shall receive the sum of ten cents per folio for original, and three cents per folio for copies required; said compensation for transcription in criminal cases to be audited and allowed by the board of supervisors as other claims against the county, and paid out of the county treasury, and in civil cases, to be paid by the party ordering the same, or when ordered by the judge, by either party, or jointly by both parties, as the court may direct.

Sec. 214. In counties of the fifty-seventh class the county officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit:

1. The county clerk, five hundred dollars per annum.
2. The sheriff, five hundred dollars per annum.
3. The recorder, three hundred dollars per annum.
4. The auditor, two hundred dollars per annum.
5. The treasurer, three hundred dollars per annum.
6. The tax collector, three hundred dollars per annum.
7. The assessor, three hundred dollars per annum.
8. The district attorney, three hundred dollars per annum.
9. The coroner, such fees as are now or may be hereafter allowed by law.

10. The public administrator, such fees as are now or may be hereafter allowed by law.

11. The superintendent of schools, one hundred dollars per annum.

12. The surveyor, such fees as are now or may be hereafter allowed by law.

13. Justices of the peace, such fees as are now or may be hereafter allowed by law.

14. Constables, such fees as are now or may be hereafter allowed by law.

15. Each supervisor, five dollars per day when the board is in session, and twenty cents per mile for traveling from his residence to the county seat, going only, and only one mileage shall be allowed for any regular session of the board; and, when serving as road commissioner, three dollars per day. Such per diem not to exceed the total sum of fifty dollars per annum.

Provided, however, that five per cent only shall be allowed the sheriff or tax collector as fees for collecting licenses in counties of this class.

Sec. 214½. Public welfare and present necessity, in the counties of the classes below named, requiring that in counties of the first, second, third, and fourth classes in this state there should be an official matron of the several county jails therein, to have the powers and to discharge the duties herein specified, the office of matron of the county jail, in and for each of the counties of the classes above named, is hereby created, and the duties and powers of the matron of such several county jails shall be as follows: She shall have free access at all reasonable times to the immediate presence of all female prisoners in the county jail of which she is the matron, including the right of personal visitation and conversation with them; and, in all cases of searching the person of female prisoners in such jail, the matron exclusively shall make such search; and the matron shall by example, advice, and admonition employ her best abilities to secure and promote the health, welfare, and reformation of all such prisoners.

The term of office of such matron shall be two years from her appointment and qualification and until her successor is appointed and qualified. The sheriff of each

county (of the classes above named) is hereby authorized and empowered to appoint, and to provide for the payment of the compensation of, a matron of the county jail of the county of which they are such board, and to specify the conditions, and fix the amount of the matron's official bond, to be approved by such board. The monthly compensation of such matron in the several counties of the classes above mentioned (regulated hereby in proportion to the duties to be discharged) shall be as follows, payable monthly: In counties of the first class, seventy-five dollars; in counties of the second class, fifty dollars; in counties of the third class, forty dollars; in counties of the fourth class, thirty-five dollars, and in counties of the fifth class, thirty dollars. To further the carrying into effect of the authority above conferred and in furtherance of the discharge of the duties of the matrons of such county jails, it is hereby enacted that no officer, deputy, jailer, keeper, guard or person having charge or control of any such county jail shall refuse the duly appointed and qualified matron thereof free access at all reasonable times to the immediate presence of all female prisoners therein, including the right of visitation and conversation with them, or in such jail allow the searching of the person, in the case of a female prisoner, to be made except by the matron of such jail, or obstruct the performance by the matron of her official duties in such jail as those duties may be specified under the provisions of this act or of law. [New section approved March 23, 1901. Stats. 1901, 681. In effect immediately.]

Sec. 215. The salaries and fees provided in this act shall be in full compensation for all services of every kind and description rendered by the officers herein named, either as officers or ex-officio officers, their deputies and assistants, unless in this act otherwise provided, and all deputies employed shall be paid by their principals out of the salaries hereinbefore provided, unless in this act otherwise provided; provided, and except that where an assistant district attorney has been heretofore appointed in any county, either under the provisions of subdivision thirty-six of section twenty-five, or under any other provisions of an act entitled "An act to establish a uniform system of county and township government," approved March twenty-fourth, eighteen hundred and ninety-three,

and such assistant is continued by the provisions of this act, either as an assistant or deputy in such county, then such deputy or assistant shall be paid out of the funds of such county, as heretofore or herein provided, the assessor shall be entitled to receive and retain for his own use six per cent on personal property tax collected by him as authorized by section thirty-eight hundred and twenty of the Political Code, and fifteen per cent of all amounts collected by him for poll taxes, and road poll taxes, and also five dollars per hundred names of persons returned by him as subject to military duty, as provided in section nineteen hundred and one of the Political Code, and the license collector shall be entitled to receive and retain for his own use ten per cent on all licenses collected by him, except where otherwise provided in this act; provided, however, that in counties, and cities and counties of the first, second, and third class the assessor shall receive no commission for the collection of taxes on personal property, nor shall such assessor receive any compensation for making out military roll of persons returned by him as subject to military duty as provided by section nineteen hundred and one of the Political Code; nor shall the license collector in cities and counties of the first class and counties of the second class receive any commission on licenses collected by him; provided, that in any county where the number of judges of the superior court shall have been increased since the first day of January, eighteen hundred and ninety-seven, or shall hereafter be increased, there must be and there hereby is allowed to the sheriff of such county, by reason of such increase, one additional deputy, to be appointed by the sheriff, at a salary of not exceeding twelve hundred dollars per annum, to be paid at the same time and in the same manner as other county officers are paid; and also there must be and is hereby allowed to the county clerk of such county, one additional deputy, to act as court-room clerk, for each judge so appointed or elected, at a salary not exceeding twelve hundred dollars per annum, for each of said deputies, to be paid at the same time and in the same manner as other county officers are paid. The board of supervisors shall allow to the sheriff his necessary expenses for pursuing criminals, or transacting any criminal business without the boundaries of his county, and for boarding prisoners

in the county jail; provided, that the board of supervisors shall fix a reasonable price at which such prisoners shall be boarded, if not otherwise provided for in this act; provided further, that the sheriff shall be entitled to receive and retain for his own use, five dollars per diem for conveying prisoners to and from the state prisons, and for conveying persons to and from the insane asylums, or other state institutions not otherwise provided for by law; also, all expenses necessarily incurred in conveying insane persons to and from the insane asylums, and in conveying persons to and from the state prisons, or other state institutions, which per diem and expenses shall be allowed by the board of examiners, and collected from the state. The court shall also allow the sheriff his necessary expenses in keeping and preserving property seized on attachment or executions, to be paid out of the fees collected in the action. The sheriff may retain for his own use the mileage for service of papers or process issued by any court of the state outside of his own county.

FEES TO BE PAID INTO THE COUNTY TREASURY.

Sec. 216. All salaried officers of the several counties of this state shall charge and collect for the use of their respective counties, and pay into the county treasury, on the first Monday in each month, the fees now or hereafter allowed by law in all cases, except where such fees, or a percentage thereof, is allowed such officers, and excepting also such fees as are a charge against the county.

FEE BOOK.

Sec. 217. Each of the officers authorized to receive fees under the provisions of this act must keep a fee book, open to the public inspection during office hours, in which must be entered, at once and in detail, all fees or compensation, of whatever nature, kind, or description, collected or chargeable. On the first Monday of each and every month, the officer must add up each column in his book to the first day of the month, and set down the totals. On the expiration of the term of such officer, he must deliver all fee books kept by him to the county auditor.

STATEMENT OF FEES.

Sec. 218. The fees and compensation collected and chargeable for the county in each month shall be paid to the county treasurer on the first Monday in the fol-

lowing month, and must be accompanied by a statement of the aggregate amount thereof, as shown by the fee book, duly verified by the officer making such payment. The affidavit shall be in the following form: "I, A. B., county clerk (or other officer, as the case may be), do swear that the fee book in my office contains a true statement in detail of all fees and compensation of every kind and nature for official services rendered by me, my deputies, and assistants, for the month of —, A. D. —, and that said fee book shows a full amount received or chargeable in said month, and since my last monthly payment; and neither myself, nor to my knowledge or belief, any of my deputies or assistants have rendered any official service, except for the county, which is not fully set out in said fee book, and that the foregoing statement thereof is true and correct."

The treasurer shall file and preserve in his office said statements and affidavit.

SALARY FUND.

Sec. 219. For the purpose of paying the salaries provided for in this act, all fees directed to be paid into the county treasury shall be set apart therein as a separate fund, to be known as the salary fund, to be applied to the payment of said salaries. Should the amount received from such source be insufficient, it shall be the duty of the county treasurer from time to time to transfer to said fund from the general fund of the county such sums as may be necessary to pay said salaries as they become due.

SALARIES—HOW PAID.

Sec. 220. The salaries of such officers named in this act as are entitled to salaries shall be paid monthly out of the county treasury; and it shall be the duty of the auditor, on the first Monday of each and every month, to draw his warrant upon the county treasurer in favor of each of said officers for the amount of salary due him under the provisions of this act for the preceding month; except that one half of the annual salary of the assessor shall be paid to him in equal monthly installments for the months of March, April, May, and June, and one half in equal monthly installments for the remaining eight months of the year. The treasurer shall pay said war-

rants on presentation out of the salary fund of the county treasury.

STATEMENT OF FEES MUST PRECEDE WARRANT FOR SALARY.

Sec. 221. The auditor shall not draw his warrant for the salary of any such officer for any month until the latter shall first have presented him with the certificate of the county treasurer, showing that he has made the statement and settlement for that month required in this act.

OFFICIAL SERVICES AND FEES.

Sec. 222. The officers mentioned in this act are not in any case, except for the state or county, to perform any official services, unless upon the prepayment of fees prescribed for such services, except in cases on habeas corpus and for naturalization, and on such payment the officer must perform the services required. For every failure, or refusal to perform official duty when the fees are tendered, the officer is liable on his official bond.

ACCOUNT AND RECEIPT FOR FEES.

Sec. 223. Every officer, upon receiving any fees for official duty or service, may be required by the person paying the same to make out, in writing, and deliver to such person a particular account of such fees, specifying for what they, respectively, accrued, and shall receipt the same; and if he refuse or neglect to do so when required, he shall be liable to the party paying the same in treble the amount so paid.

POSTER OF FEES OF JUSTICES.

Sec. 224. It shall be the duty of each justice of the peace to prepare, and keep posted in a conspicuous place in his office, a plain and legible statement of the fees allowed by law to justices of the peace and constables, upon pain of forfeiting, for failure so to do, fifty dollars, to be recovered, with costs, by any person, before any other justice of the peace of the county.

ILLEGAL FEES.

Sec. 225. The board of supervisors, upon receiving a certified copy of the record of conviction of any officer for receiving illegal fees, must declare his office vacant.

SERVICES PERFORMED BY SUCCESSOR.

Sec. 226. It shall be the duty of all officers in this act named to complete the business of their respective offices to the time of the expiration of their respective terms; and in case any officer at the close of his term shall leave to his successor official labor to be performed, which it was his duty to perform, he shall be liable to pay to his successor the full value for such services.

NO FEES ON HABEAS CORPUS.

Sec. 227. No fee or compensation of any kind must be charged or received by any officer for duties performed or services rendered in proceedings upon habeas corpus or naturalization, nor for administering or certifying the oath of office, nor fees or other compensation shall be paid for service rendered in an affidavit or application relating to the securing of a pension or the payment of a pension voucher, or any matter relating thereto, nor filing nor swearing to any claim or demand against any county in this state.

Sec. 228. The following are county charges:

1. Charges incurred against the county by virtue of any of the provisions of this act.

2. The traveling and other personal expenses of the district attorney, incurred in criminal cases arising in the county, and in civil actions and proceedings in which the county is interested, and all other expenses necessarily incurred by him in the detection of crime and prosecution of criminal cases, and in civil actions and proceedings and all other matters in which the county is interested.

3. The expenses necessarily incurred in the support of persons charged with or convicted of crime and committed therefor to the county jail.

4. The sums required by law to be paid to the grand and trial jurors and witnesses in criminal cases.

5. The accounts of the coroner of the county for such services as are not provided to be paid otherwise.

6. All charges and accounts for services rendered by any justice of the peace in the examination or trial of persons charged with crime, not otherwise provided for and allowed by law.

7. The necessary expenses incurred in the support of

the county hospitals, poorhouses, and the indigent sick and otherwise dependent poor, whose support is chargeable to the county.

8. The contingent expenses necessarily incurred for the use and benefit of the county.

9. Every other sum directed by law to be raised for any county purpose under the direction of the board of supervisors, or declared to be a county charge.

10. The fees of constables in criminal cases allowed by law.

COST OF CRIMINAL ACTIONS ON REMOVAL.

Sec. 229. When a criminal action is removed before trial, the costs accruing upon such removal and trial shall be a charge against the county in which the indictment or information was found.

COSTS ON REMOVAL—HOW CERTIFIED AND PAID.

Sec. 230. The clerk of the county to which such action is removed shall certify the amount of costs allowed and certified by the court to the auditor of his county, and such auditor shall audit the same and draw his warrant therefor upon the treasury of the county from which such action was removed; and such auditor shall forward to said treasurer and auditor of the county from which said action was transferred, as aforesaid, a certified copy of the total amount of costs allowed by the court, giving each item as certified to him by the county clerk and the court; and the auditor receiving such certified copy of said costs allowed shall enter the same in his book as a charge against the treasury of his county; and the county treasurer of the county from which said action was removed must, immediately upon presentation, pay said warrant out of the general fund of said county; or, if at the date of presentation there is not sufficient money in the said general fund to pay the same, he must indorse upon said warrant, "Not paid for want of funds," and said warrant must be registered, and shall draw interest at the same rate, and be paid in the same manner, as though it had been drawn by the auditor of the county where the indictment was found.

Sec. 231. Counties created or organized after the passage and approval of this act shall immediately come under and be governed by its provisions, so far as the

same are applicable thereto. When the population of any existing county shall have been reduced, by reason of the creation of any new county from the territory thereof, below the class and rank first assumed hereunder, it shall be the duty of the board of supervisors of such county to designate by order the class to which such county has been reduced by reason thereof, and such county shall thereafter enter the list of such class; provided, that the salary of county officers shall not be affected by reason of such division of the county or order of the board, for the term for which they were elected and qualified. In any newly created county, for the purpose of fixing the salaries and fees of county and township offices, the board of commissioners appointed to organize said new county, and if no commissioners be appointed, then the board of supervisors of said new county, shall classify said new county according to the population classification of this act. In each case the population shall be numerically fixed, and when so fixed shall be certified to the secretary of state by the board fixing the same.

Sec. 232. All acts and parts of acts inconsistent with this act are hereby repealed.

Sec. 233. The provisions of sections one hundred and fifty-eight to two hundred and fourteen, inclusive, of this act, so far as they change the compensation of any officer therein named, heretofore paid a fixed salary, or heretofore paid a fixed salary and commissions, and not fees or per diem, shall not affect incumbents, unless otherwise provided in any of said sections.

Sec. 234. This act, except as otherwise herein provided, shall take effect and be in force sixty days from and after its passage.

TITLE 117.

COURTS.

ACT 842.

Regulating practice in supreme court. [Stats. 1871-2, p. 391.]

Superseded by the constitution of 1879.

ACT 843.

Determining who must act as chief justice of the supreme court. [Stats. 1871-2, p. 364.]

Superseded by the constitution of 1879.

ACT 844.

To transfer records, etc., from the courts existing prior to 1879. [Stats. 1880, p. 2.]

This act appears in full in Code of Civil Procedure, Appendix, p. 782.

ACT 845.

Authorizing judges of superior court in counties, and cities and counties, having a population of two hundred thousand or over, to appoint a secretary. [Stats. 1895, p. 98.]

This act appears in full in Code of Civil Procedure, Appendix, p. 764.

ACT 846.

To confer upon the superior court of each county powers heretofore possessed by the district, county and probate courts. [Stats. 1880, p. 23.]

Other acts relating to courts can be found in the Appendix to the Code of Civil Procedure, pp. 768 et seq.

TITLE 118.**COYOTE SCALPS.****ACT 851.**

Fixing a bounty on coyote scalps. [Approved March 21, 1891. Stats. 1891, p. 280.]

Repealed 1895, 1.

TITLE 119.**CRESCENT CITY.****ACT 856.**

To incorporate. [Stats. 1854, 197.]

Amended 1857, 56, 225; 1858, 233.

ACT 857.

Authorizing location of townsite of. [Stats. 1859, p. 24.]

Amended 1860, 279; 1862, 226.

ACT 858.

Ceding lands to. [Stats. 1867-8, p. 335.]

Amended 1869-70, 181.

This act granted to Crescent City its water-front.

ACT 859.

Relating to the road, poll and property tax in. [Stats. 1877-8, 204.]

Cal.Rep.Cit. 59, 549.

TITLE 120.

CRIMINAL LAW.

ACT 854.

To abolish public executions. [Stats. 1858, 192.]

Superseded by Penal Code, sec. 1229.

TITLE 121.

CRUELTY TO ANIMALS.

ACT 869.

For the more effectual prevention of cruelty to animals.
[Stats. 1867-8, 604.]

Continued in force, Penal Code, sec. 23; Political Code, sec. 19;
but repealed by act of 1878-4, 502.

ACT 870.

Providing for the more effectual prevention of cruelty to
animals. [Stats. 1871-2, p. 393.]

Repealed 1878-4, 502.

ACT 871.

Animals, prevention of cruelty to. [Stats. 1873-4, p. 499.]

Amended and secs. 20 to 22 added, 1901, 285. Amended
1903, 69.

ACT 872.

An act to prohibit the use of the bristle bur, tack bur, or
other like devices on horses or other animals in this
state.

[Approved March 13, 1903. Stats. 1903, p. 139.]

The people of the state of California, represented in senate
and assembly, do enact as follows:

Section 1. It shall be unlawful hereafter in this state
for any one, owner, driver or other person, having the
care, custody or control of any horse or other animal, to
use what is known as the bristle bur, tack bur, or other
like device, by whatsoever name known or designated, on
any said horse or other animal for any purpose whatso-
ever.

Sec. 2. A violation of the provisions of this act shall be
deemed a misdemeanor and any one found guilty thereof
shall be punished by a fine of not less than twenty-five
dollars nor more than two hundred and fifty dollars, or by
imprisonment in the county jail not less than ten nor more

826 DAIRIES--DEAF, DUMB, AND BLIND ASYLUM.

than one hundred and seventy-five days, or may be punished by both such fine and imprisonment.

Sec. 3. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

Sec. 4. This act shall take effect and be in force from and after its passage.

CRUELTY TO CHILDREN.

See title Infancy, post.

TITLE 122.

DAIRIES.

ACT 877.

To provide for the inspection of dairies, factories of dairy products, and of dairy products as to their sanitary condition and as to the health of stock; to prevent the sale of milk and the products of milk drawn from diseased animals; to prevent the spread of infectious and contagious diseases common to stock. [Stats. 1899, p. 171.]

TITLE 123.

DAVISVILLE.

ACT 882.

To prevent hogs and goats running at large in. [Stats. 1873-4, p. 82.]

See sec. 9, statute of 1897, p. 198.

TITLE 124.

DEADLY WEAPONS.

ACT 887.

To prevent the improper and criminal use of deadly weapons. [Stats. 1855, p. 268.]

Superseded by Penal Code, sec. 417.

TITLE 125.

DEAF, DUMB, AND BLIND ASYLUM.

ACT 892.

Powers of directors. [Stats. 1875-6, p. 686.]

ACT 893.

Supply of water for and for university. [Stats. 1875-6, p. 816.]

Deaf, Dumb, and Blind Asylum: See Political Code, secs. 2237-2282.

TITLE 126.

DEBRIS COMMISSIONER.

ACT 898.

To provide for the appointment, duties, and compensation of a debris commissioner. [Stats. 1892, p. 339.]

Amended 1897, 169; 1901, 284, 564. Sec. 6 repealed 1901, 564.

TITLE 127.

DEEDS.

ACT 902.

Concerning conveyances. [Stats. 1850, p. 249.]

Cal.Rep.Cit. 43, 343; 54, 483; 61, 506; 64, 269.

This act prescribed the manner of making and acknowledging conveyances. It was superseded by the codes.

ACT 904.

Real estate, conveyances of. [Stats. 1873-4, p. 345.]

Cal.Rep.Cit. 97, 154.

This act appears in full in Civil Code, Appendix, p. 714. It related to conveyances by persons whose names are changed.

TITLE 128.

DEL NORTE COUNTY.

ACT 909.

To establish the boundary line between the county of Humboldt and the counties of Del Norte and Siskiyou. [Stats. 1901, p. 600.]

ACT 910.

Making applicable to act of 1871-2, 203, relating to fence and pound districts. [Stats. 1875-6, p. 391.]

ACT 911.

Provision for care of indigent sick of. [Stats. 1871-2, p. 169.]

Superseded by subds. 5 and 6, sec. 25, County Government Act, 1897, 458, and 1901, 636.

ACT 912.

Repealing all special road laws in force and relating to. [Stats. 1875-6, p. 335.]

ACT 913.

Supervisors, changing manner of electing. [Stats. 1871-2, p. 756.]

Amended 1873-4, 12. Repealed by County Government Act, 1897, 452.

of said board; to have and to use a seal bearing the name "Board of Dental Examiners of California."

Sec. 4. Out of the funds coming into the possession of the board, each member of said board may receive as compensation ten dollars (\$10.00) for each day actually spent in attending to the duties of his office, and mileage at the rate of five cents (\$.05) per mile for all distances actually traveled in going to and coming from the meetings of the board. Said expenses shall be paid from the fees and fines received by the board under the provisions of this act, and no part of the salary or other expenses of the board shall ever be paid out of the state treasury.

Sec. 5. Each member of the board shall, upon his qualification and the organization of the board, file with the secretary, his postoffice address, and thereafter any notice of any change therein. Any notice sent to the address so on file, shall be deemed to comply with the requirements of this act as to notice to them.

Sec. 6. All books of said board shall be of public record and at all times during business hours open to public inspection. A certified copy of any part or all thereof shall be primary evidence in any court of this state. The original books shall be kept in the office of the secretary of said board, wherever he may reside, and he shall furnish to any person making application therefor a copy of any part thereof, upon the applicant paying a fee of twenty-five cents (\$.25) per hundred words so copied, the said fee to belong to the secretary. All copies shall be certified by the secretary.

Sec. 7. The governor shall have the power to remove from office at any time, any member of the board for continued neglect of duty required by this act, or for incompetency, unprofessional or dishonorable conduct.

Sec. 8. Said board shall examine all applicants for examination who shall furnish satisfactory evidence of having complied with the provisions of this act, relating to qualification for examination, and all persons satisfactorily passing such examinations shall be granted by said board a license to practice dentistry in the state of California.

The examination of applicants shall be elementary and practical in character, but sufficiently thorough to test the fitness of the candidate to practice dentistry. It shall

include, written in the English language, questions on the following subjects: Anatomy, physiology, chemistry, materia medica, therapeutics, metallurgy, histology, pathology, operative and prosthetic dentistry, hygiene and dental jurisprudence. The answers to which shall be written in the English language. Demonstrations of the applicant's skill in operative and prosthetic dentistry must also be given. All persons successfully passing such examinations shall be registered as licensed dentists on the board register, as provided in section three, and shall also receive a certificate of such registration; said certificate to be signed by the president and secretary of said board. In no case shall any applicant be examined or given a certificate who is not twenty-one years of age.

Sec. 9. Any member of the board may inquire of any applicant for examination concerning his character, qualifications or experience, and may take testimony of any one in regard thereto, under oath, which he is hereby empowered to administer.

Sec. 10. Every person now licensed to practice dentistry in this state, who has failed to register his license with the clerk of the county wherein his place of business is located, as provided by law, must register the same within sixty days after this act takes effect, and every person who shall hereafter be licensed to practice dentistry in this state, shall within six months thereafter register in the office of the clerk of the county where his place of business is located, in a book kept by the clerk for such purpose, and called a register of dentists, his name, age, office address, the date and number of his license to practice dentistry, and the date of such registration, which registration he shall be entitled to make only upon showing to the county clerk his license or a copy thereof certified by the secretary of the board over its seal, and making an affidavit stating his name, age, birthplace, the number of his license and the date of its issue; that he is the identical person named in the license; that before receiving the same he complied with all the preliminary requirements of this statute and the rules of the board of dental examiners as to the terms and the amount of study and examination; that no money other than the fees prescribed by this statute and said rules, was paid directly or indirectly for such license, and that no fraud,

misrepresentation or mistake in a material regard was employed or occurred in order that such license should be conferred. The county clerk shall preserve such affidavit in a bound volume and shall issue to every licensee duly registering and making such affidavit, a certificate of registration in his county, which shall include a transcript of the registration. Such transcript and license may be offered as primary evidence in all courts of the facts therein stated. A copy of such certificate of registration shall be sent by the county clerk to the secretary of the board within five (5) days after it is made. The county clerk's fees for taking such registration and affidavit and issuing such certificate of registration shall be one (1) dollar. A practicing dentist having registered a lawful authority to practice dentistry in one county of the state, and removing such practice or part thereof to another county shall show or send by registered mail to the clerk of such other county his certificate of registration. If such certificate clearly shows that the original registration was of an authority issued by the board of dental examiners, or if the certificate or registration itself is indorsed by the secretary of the board of dental examiners as entitled to registration, the clerk shall thereupon register the applicant in the register of dentists of the latter county on receipt of a fee of fifty (50) cents, and shall stamp or indorse on such certificate of registration the date and his name preceded by the words "Registered also in ——— County," and return the certificate of registration to the applicant. Any lawfully registered person who shall thereafter change his name according to law shall register the new name with a marginal note of the former name with the clerk of the county or counties where he is practicing. The clerk shall note upon the margin of his former registration in ink the fact of such change, and a cross reference to the new registration. The clerk shall forthwith notify the secretary of the board of such change. Any county clerk who knowingly shall make or suffer to be made upon the register of dentists kept in his office any entry other than that provided for in this act, shall be liable to a penalty of \$50 to be recovered by and paid to the said state board of dental examiners in a suit in any court having jurisdiction. Any failure, neglect or refusal on the part of any person holding

such license to register the same with the clerk of said county as above directed for a period of six months after the issuance thereof shall ipso facto work a forfeiture of his license, and it shall not be restored except upon the payment to said board of twenty-five (25) dollars. Any suspension, revocation or reinstatement of a license shall with the date thereof be forthwith noted by the county clerk on the margin of the registration thereof upon receipt of notice from the secretary of the board. [Amendment approved March 20, 1903. Stats. 1903, p. 322: In effect immediately.]

Sec. 11. In cases where a person is entitled to an examination for a license, but when the board of examiners is not in session, one member of said board may examine the applicant and furnish him a temporary license to practice dentistry until the next regular meeting of the board, when he shall report the fact, at which time the temporary license shall expire. Such temporary license shall not be granted by a member of the board after the board has rejected the applicant. The member of the board conducting such examination may, in advance, charge and receive for his services a fee of five dollars (\$5.00) to be applied to his own use as compensation. No other fee shall be charged for granting such temporary license, and each person to whom it is granted must have the same registered by the county clerk in the county or counties in which such person may desire to practice dentistry, as provided for in section ten of this act.

Sec. 12. No person shall be eligible for examination by the state board of dental examiners who shall not furnish satisfactory evidence of having graduated from a reputable dental college, which must have been indorsed by the board of dental examiners of California; or who shall not have graduated from a high school or similar institution of learning, in this or some other state of the United States, requiring a three years' course of study, and who cannot furnish to the board of dental examiners an affidavit, containing his or her name, the name of his or her preceptor, and the names of at least two reputable witnesses, certified to in the state of California before a notary public, showing that he or she has completed an apprenticeship of four years of twelve months each, with a licensed practitioner of dentistry, in the state of Cali-

fornia, or cannot furnish to said board of examiners a certificate from the state board of dental examiners, or similar body, of some other state in the United States, showing that he or she has been a licensed practitioner of dentistry in that state for at least five (5) years. [Amendment approved March 20, 1903. Stats. 1903, p. 324. In effect immediately.]

Sec. 13. From and after the passage of this act any and all persons desiring to enter upon the practice of dentistry in the state of California, without graduating from a reputable college in the United States, or producing satisfactory evidence of having been a licensed practitioner of dentistry in some other state for at least five years, must file with the board of dental examiners an affidavit certified to before a notary public of the state of California, of his intention to begin an apprenticeship with a licensed practitioner of dentistry in this state, and the said affidavit must certify that the affiant has regularly graduated from a high school or similar institution of learning in the United States, as provided in section twelve of this act, and contain in full, the names of both affiant and his proposed preceptor and the names of two reputable witnesses, together with the date of beginning of his proposed term of apprenticeship; and the board of dental examiners shall issue to affiant a receipt for same.

Sec. 14. Every person applying to the board of dental examiners for a license to practice dentistry shall pay to the board a fee of twenty-five (25) dollars, which shall in no case be refunded. Every licensed dentist shall on or before the first day of May of each year, except the one in which he is licensed, pay to the secretary of the board of dental examiners a fee of two (2) dollars, which shall be used exclusively for the prosecution of violators of this act and for expenses of collecting said fee. The year for which a fee shall be paid shall begin the July first following the May when it becomes due and end the succeeding June 30th. The board may reduce or remit altogether said fee for any year, but such reduction or remission must be made alike to all liable to pay the same. In case any person defaults in paying said fee, his license may be revoked by the board of dental examiners on thirty days' notice in writing from the secretary, unless within said time said fee is paid, together with such penalty not

exceeding ten (10) dollars, as the board may impose. Upon payment of said fee and penalty the board shall reinstate the delinquent's license. On or before the first day of July of each year the secretary of the board shall send to the county clerk of each county in the state a certified list of all practicing dentists therein who have paid said fee, and the clerk shall enter or paste the same in the register of dentists. Necessary expenses per diem compensation and mileage of the members of the board incurred while in attendance on meetings not for prosecuting violators of this act shall be paid out of the other fees and fines provided for in this act. All moneys received under this act shall be deposited in some reliable bank in the name of the board, and shall be withdrawn only on the joint check of the president and the secretary of the board. [Amendment approved March 20, 1903. Stats. 1903, p. 324. In effect immediately.]

Sec. 15. Any and all persons shall be understood to be practicing dentistry within the meaning of this act who shall for a fee, salary, or reward, paid directly or indirectly, either to himself or to some other person, perform operations of any kind upon, or treat diseases or lesions of the human teeth or jaws, or correct malimposed positions thereof, or display a sign, or in any way advertise himself as a dentist; but nothing in this act contained shall prohibit bona fide students of dentistry from operating in the clinical departments or the laboratory of a reputable dental college, or an unlicensed person from performing merely mechanical work upon inert matter in a dental office or laboratory; or the student of a licensee from assisting his preceptor in dental operations while in the presence of and under the personal supervision of his instructor; or a duly licensed physician from treating diseases of the mouth, or performing operations in oral surgery. But nothing in the provisions of this act shall be construed to permit the performance of dental operations by any unlicensed persons under cover of the name of a regular practitioner of dentistry. [Amendment approved March 20, 1903. Stats. 1903, p. 325. In effect immediately.]

Secs. 16, 17, 18. Repealed. [Amendment approved March 20, 1903. Stats. 1903, p. 325. In effect immediately.]

Sec. 19. Any person, company or association shall be

guilty of a misdemeanor, and upon conviction thereof shall be punishable with a fine of not less than fifty (50) dollars or more than five hundred (500) dollars, or by imprisonment for not less than five (5) days nor more than six (6) months in the county jail, or by both fine and imprisonment, who

1. Shall sell or barter, or offer to sell or barter, any diploma or document, conferring or purporting to confer any dental degree, or any certificate or transcript, made or purporting to be made, pursuant to the laws regulating the license and registration of dentists; or

2. Shall purchase or procure by barter, any such diploma, certificate or transcript, with intent that the same shall be used as evidence of the holder's qualification to practice dentistry, or in fraud of the laws regulating such practice; or

3. Shall with fraudulent intent, alter in a material regard any such diploma, certificate or transcript; or

4. Shall use or attempt to use any such diploma, certificate or transcript, which has been purchased, fraudulently issued, counterfeited or materially altered, either as a license or color of license to practice dentistry, or in order to procure registration as a dentist; or

5. Shall practice dentistry under a false or assumed name; or

6. Shall assume the degree of "doctor of dental surgery" or "doctor of dental medicine," or shall append the letters "D. D. S." or "D. M. D." to his or her name, not having duly conferred upon him or her, by diploma from a recognized dental college or school legally empowered to confer the same, the right to assume said title; or shall assume any title, or append any letters to his or her name, with the intent to represent falsely that he or she has received a dental degree or license; or

7. Shall in an affidavit, required of an applicant for examination, license or registration, under this act, willfully make a false statement in a material regard; or

8. Shall engage in the practice of dentistry under any title or name without causing to be displayed in a conspicuous manner and in a conspicuous place in his or her office the name of each and every person employed in the practice of dentistry therein, together with the word me-

chanic or apprentice after the name of each unlicensed person employed; or

9. Shall within ten days after demand, made by the secretary of the board, fail to furnish to said board the name and address of all persons practicing or assisting in the practice of dentistry in the office of said person, company or association, at any time within sixty days prior to said notice, together with a sworn statement showing under and by what license or authority said person, company or association and said employee are and have been practicing dentistry, but said affidavit shall not be used as evidence against such person, company or association in any proceeding under this section; or

10. Is practicing dentistry in the state without a license, or whose license has been revoked or suspended. [Amendment approved March 20, 1903. Stats. 1903, p. 325. In effect immediately.]

Sec. 20. It is hereby further provided, that the conferring of degrees and the bestowing of diplomas, by reputable dental colleges of this state, who have been indorsed by the board of dental examiners of California, and are members of the National Association of Dental Faculties, are not included in the foregoing penalties, nor shall their rights and prerogative ever be abridged in any manner whatsoever.

Sec. 21. All fines, penalties or forfeitures, not including the examination fee, imposed or collected for the violation of any of the foregoing provisions of this act, unless otherwise specified, shall be paid as follows: One half into the common school fund in the county in which the prosecution is had, and one half to the treasurer of this board, to be turned into the regular funds of this board, and it shall be the duty of the county treasurer of each county, upon the receipt by him of any such fines, penalties or forfeitures, to forthwith pay over the same one half to the treasurer of this board. Said board, or any member or officer thereof, may prefer a complaint for violation of the law regulating the practice of dentistry, before any court of competent jurisdiction, and may by its officers, counsel and agents, aid in presenting the law or facts before said court, in any proceeding taken thereon; and it shall be the duty of the district attorney of each county of this state, to prosecute all violations of the

aforesaid provisions of this act in their respective counties in which such violations occur.

Sec. 21½. Any dentist may have his license revoked or suspended by the board of dental examiners for any of the following causes:

1. His conviction of a felony or misdemeanor involving moral turpitude, in which case the record of conviction or a certified copy thereof, certified by the clerk of the court, or by the judge in whose court the conviction is had, shall be conclusive evidence.

2. For unprofessional conduct, or for gross ignorance, or inefficiency in his profession. Unprofessional conduct shall mean employing what are known as cappers, or steerers to obtain business; the obtaining of any fee by fraud or misrepresentation; willfully betraying professional secrets; employing directly or indirectly any student or any suspended or unlicensed dentist to perform operations of any kind, or to treat lesions of the human teeth or jaws, or correct malimposed formations thereof, except as heretofore provided in section 15; the advertisement of dental business or treatment or devices in which untruthful, improbable or impossible statements are made; or habitual intemperance or gross immorality. The proceedings to revoke or suspend any license under the first subdivision of section 21½, must be taken by the board on the receipt of a certified copy of the record of conviction. The proceedings under the second subdivision of section 21½ may be taken by the board from the matters within its knowledge, or may be taken upon the information of another. All accusations must be in writing, verified by some party familiar with the facts therein charged, and three copies thereof must be filed with the secretary of the board. Upon receiving the accusation the board shall, if it deem it sufficient, make an order setting the same for hearing, and requiring the accused to appear, and answer it at said hearing, at a specified time and place, and the secretary shall cause a copy of the order and of the accusation to be served upon the accused at least ten (10) days before the day appointed in the order for said hearing. The accused must appear at the time appointed in the order and answer the charges and make his defense to the same, unless for sufficient cause the board assign another day for that purpose. If he do

not appear the board may proceed and determine the accusation in his absence. If the accused plead guilty or refuse to answer the charges, or upon the hearing thereof the board shall find them or any of them true, it may proceed to a judgment revoking his license or suspending it. The board and the accused may have the benefit of counsel, and the board shall have power to administer oaths, take the depositions of witnesses in the manner provided by law in civil cases, and to compel them to attend before it in person the same as in civil cases, by subpoena issued over the signature of the secretary and the seal of the board and in the name of the people of the state of California. Upon the revocation of any license, the fact shall be noted upon the records of the board of dental examiners and the license shall be marked as canceled, upon the date of its revocation. [New section approved March 20, 1903. Stats. 1903, p. 326. In effect immediately.]

Sec. 22. The members of the board of dental examiners shall make an annual report of its proceedings to the governor of California by the first of December of each year, together with an account of all moneys received and disbursed by them, pursuant to this act.

Sec. 23. Four members of said board of dental examiners shall constitute a quorum for the transaction of business at any meeting of the board.

Sec. 24. Nothing in this act shall be so construed as to interfere with the rights and privileges of physicians and surgeons in the discharge of their duties.

Sec. 25. This act shall take effect immediately, and all laws in conflict with this act are hereby repealed.

TITLE 130.

ACT 927. DESCENT AND DISTRIBUTION.

To regulate descents and distribution. [Stats. 1850, p. 219.]

Superseded by Civil Code, sec. 1886.

TITLE 131.

ACT 922. DIABLO CREEK.

To declare Diablo Creek in Contra Costa County navigable.

[Stats. 1858, p. 127.]

Incorporated in Political Code, sec. 2349.

TITLE 132.

DISSECTION.

ACT 937.

To promote the study of anatomy. [Stats. 1869-70, p. 405.]

This act provided for the surrender of dead bodies for dissection. It was superseded by Political Code, secs. 8098-8095.

TITLE 133.

DISTRICT ATTORNEYS.

ACT 942.

Authorizing and directing district attorneys to bring suits to abate nuisances. [Stats. 1899, p. 103.]

ACT 943.

In relation to district attorneys, their assistants and clerks in cities and counties, and counties having a population of more than one hundred and twenty-five thousand. [Stats. 1891, p. 21.]

"Unconstitutional. (*Darcy v. Mayor*, 104 Cal. 642; *Ex parte Giambonini*, 112 Cal. 574.) Superseded by County Government Act, 1897, and by charter of San Francisco."—Code Commissioners' note.

ACT 944.

Apportioning the fees between district attorneys and their successors. [Stats. 1865-6, p. 163.]

Amended 1865-6, 325.

"Superseded by County Government and other acts requiring officers to pay their fees into the county treasury."—Code Commissioners' note.

ACT 945.

District attorneys, relating to fees of in certain counties. [Stats. 1871-2, p. 799.]

"Probably repealed by secs. 171, 177, 186, and 211 of the County Government Act, 1897, 523, 527, 540, 568, fixing the salaries of district attorneys."—Code Commissioners' note.

This act related to the counties of Butte, Inyo, Placer, and Shasta.

TITLE 134.

DITCHES.

ACT 950.

An act for the protection of the owners of ditches and flumes.

[Approved March 16, 1889. Stats. 1889, p. 202.]

Joint liability of owners of ditch or flume.

Section 1. When two or more persons are associated by agreement in the use of a ditch or flume, or are using for the irrigation of land a ditch or flume, to the construction of which they or their grantors have contributed, each of them shall be liable to the other for the reasonable expense of maintaining and repairing the same in proportion to the share in the use of the water to which he is entitled.

Action for refusal to pay proportional expense.

Sec. 2. If any of them refuse or neglect, after demand in writing, to pay his proportion of such expenses, he shall be liable therefor in an action for contribution in the nature of an action on the case, and in any judgment obtained against him, interest from the time of such demand, at the rate of two per cent per month may be included.

Willful appropriation a misdemeanor.

Sec. 3. If any of them willfully appropriate to his own use more than his proportionate share of the water from such ditch or flume, to the detriment of his associates, or any of them, he shall be liable in damages in treble the value of the water so appropriated in excess of his proper share.

Actions, how brought.

Sec. 4. The actions provided for in sections two and three may be brought by any or either of the parties injured, and may be joint or several.

Sec. 5. This act shall take effect from and after its passage.

TITLE 135.

DIVORCES.

ACT 255.

Concerning divorces. [Stats. 1851, p. 186.]

Amended 1853, 70; 1869-70, 291. Supplemented 1857, 240.
Superseded by provisions of Civil Code.

TITLE 136.

DIXON.

ACT 299.

Incorporating town of. [Stats. 1877-8, p. 712.]

Superseded by incorporation, in 1884, under Municipal Corporation Act of 1883.

TITLE 187.

DOGS.

Dogs killing sheep, liability for: See Sheep, post.

ACT 965.

An act to protect sheep and cashmere and angora goats against the ravages of dogs.

[Approved March 12, 1866; 1865-6, 225.]

This act is not included in the acts in force compiled by the code commissioners. It has not been in terms repealed. It is difficult to tell what, if any, part of it is in force, and it is therefore set forth at length.

Dog tax.

Section 1. Every owner, claimant, or keeper of a dog or dogs of the age of four months or over, shall hereafter pay an annual tax on all dogs owned, claimed, or kept by him or her; for the first male dog, one dollar; for every additional male dog, two dollars; and for every female dog, three dollars.

Collection.

Sec. 2. It shall be the duty of the county, district, or township assessors, as the case may be, at the time of making their annual assessment of real estate and personal property, to ascertain by diligent inquiry and examination the names of all persons owning, claiming, or keeping any dog or dogs, and they shall assess all such dogs in the amounts respectively, as provided in the first section of this act, to the person or persons owning, claiming, or keeping the same, and shall make lists and delivery thereof on their annual tax lists or assessment rolls at the same time and in the same manner as their lists and delivery of other personal property are made and delivered; and the proper officers are hereby empowered, and required to collect such tax on dogs in the same mode and manner as other taxes are collected, and to pay over the same into the county school fund.

Ownership.

Sec. 3. Every dog kept or staying at any house shall be deemed sufficient evidence of ownership to authorize the assessor to return the person inhabiting the house as the owner of such dog; and any person sending his or her dog from house to house or from place to place in order

to evade said tax shall pay double rates therefor; and every dog not so returned shall be deemed to have no owner, and may be lawfully killed by any person seeing the same running at large.

Damages.

Sec. 4. The owner or owners of any dog or dogs which shall worry, wound, or kill any sheep, cashmere or angora goats, shall be liable to the owner or possessor of such sheep, goat or goats, for the damages and costs of suit, to be recovered before any court having jurisdiction in the case.

Killing.

Sec. 5. Any person finding any dog or dogs, not on the premises of its owner, worrying, wounding, or killing any sheep, or cashmere or angora goats, may kill the same, and the owner thereof shall sustain no action for damages against any person so killing any dog or dogs under such circumstances.

TITLE 138.

ACT 970. DORRIS BRIDGE, TOWN OF.

Dorris Bridge, name changed to Alturas. [Stats. 1875-6, 513.]

TITLE 139.

ACT 975. DOWNIEVILLE.

To incorporate. [Stats. 1863, p. 74.]

Amended and repealed 1868-4, 275; 1865-6, 642. Repealed 1901, 276.

TITLE 140.

ACT 980. DRAINAGE.

To promote drainage. [Stats. 1880, p. 123.]

Unconstitutional. (People v. Parks, 58 Cal. 624; Doane v. Well, 58 Cal. 334.)

ACT 981.

Creating Sacramento River drainage district, to establish a board of commissioners therefor and to define their powers and duties. [Stats. 1877-8, p. 987.]

ACT 982.

To provide for the organization and government of drainage districts, for the drainage of agricultural lands other than swamp and overflowed lands. [Stats. 1897, p. 334.]

Amended 1901, 554. Repealed 1903, 817.

ACT 983.

To provide a system of drainage for agricultural, swamp, and overflowed lands. [Approved March 3, 1881. Stats. 1881, p. 15.]

Amended 1897, 220.

Unconstitutional. (Hickey v. Stearns Rancho Co., 126 Cal. 151.)

ACT 984.

To abolish the state drainage construction fund and directing the transfer of any balance remaining therein to the general fund. [Stats. 1893, p. 64.]

ACT 985.

An act to promote drainage.

[Approved March 18, 1885; 1885, 204.]

Amended 1891, 262.

Petition to adopt measures to drain lands.

Section 1. Whenever the owners of two thirds of any body of lands susceptible of one mode of drainage desire to drain the same, they may present to the board of supervisors of the county in which the lands, or the greater portion thereof, are situated, at a regular meeting of the board, a petition setting forth that they desire to adopt measures to drain the same, the description of the land, the number of acres in the whole district, and the number of acres in each tract, and the names of the owners thereof, and the names of three persons who may desire to serve as trustees for the first three months; the petition must be verified by the affidavit of one of the petitioners, and must be published for four weeks next preceding the hearing thereof, in some newspaper published in the county in which the lands are situated; or if there is no newspaper published in the county, then it must be published in some newspaper having a general circulation in the county, and an affidavit of such publication must be filed with the petition.

District lying in different counties.

Sec. 2. When a district is situated partly in different counties, the trustees must, after the petition has been granted, forward a copy thereof to the clerk of the board of supervisors of any county in which any portion of the district may lie, and the board to which the same is forwarded must not allow another district to be formed within such district, unless with the consent of the trustees thereof.

Formation of district.

Sec. 3. If the board of supervisors find, upon the hearing of such petition, that lands have been improperly included in such district, they may, before fixing the final boundaries, exclude from such district any lands which may have been included, or include any lands adjacent thereto, on petition of any owner of such land presented at such time of hearing, as they may deem for the best interests of such district; and they must then define the boundaries, declare the district duly formed, and the persons named in the petition for the formation of such district to be the trustees for the first three months, or until their successors are appointed. [Amendment approved March 31, 1891. Stats. 1891, p. 262. In effect immediately.]

Recording petition.

Sec. 4. The petition must then be recorded by the county recorder.

By-laws.

Sec. 5. After the approval of the petition the petitioners may make such by-laws as they deem necessary for future appointment of trustees, and to effect the work of drainage, keep the same in repair and operation, and for the control and management thereof, by the votes or consent of the owners of a majority of the land in the district.

Signing and recording by-laws.

Sec. 6. The by-laws adopted must be signed by persons owning a majority of land in the district, and must be recorded by the county recorder.

Power of board.

Sec. 7. The board thus formed shall have power to elect one of their number president thereof, and to em-

ploy engineers to survey, plan, locate, and estimate the cost of the works necessary for drainage, and the land needed for right of way, including drains, canals, sluices, water-gates, embankments, and material for construction, and to construct, maintain, and keep in repair all works necessary to the object in view.

Plans and estimates.

Sec. 8. The board of trustees must report to the board of supervisors of the county, or if the district is situated in more than one county then to the board of supervisors of each county in which the district is situated, the plans of the work and estimates of the costs, together with the estimates of the incidental expenses of superintendence, repairs, etc.

Assessing expense.

Sec. 9. The board by which the district was formed must appoint three commissioners, disinterested persons residing in the county in which the district, or some part thereof, is situated, and such commissioners must view and assess upon the lands situated in the district a charge proportionate to the whole expense, and to the benefit which will result from such work, which charge must be collected and paid into the county treasury as hereinafter provided, and must be placed by the treasurer to the credit of the district, and paid out for the work of drainage upon the warrants of the trustees appointed by the board of supervisors of the county.

Warrants on the treasurer.

Sec. 10. The warrants drawn by the trustees must, after they are approved by the board of supervisors, be presented to the treasurer of the county, and if they are not paid on presentation, like indorsements must be made thereon, and they must be registered in like manner as county warrants.

Payments when district in different counties.

Sec. 11. If a district is situated partly in different counties the charges must be paid into the treasury of the county in which the particular tract may be situated.

Further assessment.

Sec. 12. If the original assessment is insufficient to provide for the complete drainage of the lands of the district, or if further assessments are from time to time required to

provide for the protection, maintenance, and repairs of the works, the trustees must present to the board of supervisors by which the district was formed a statement of the work to be done and its estimated cost, and the board must make an order directing that the commissioners who made the original assessment, or other commissioners to be named in such order, to assess the amount of such estimated cost as a charge upon the lands in the district, which assessment must be made and collected in the same manner as the original assessment.

List of charges and of lands.

Sec. 13. The commissioners appointed by the board of supervisors must make a list of the charges assessed against each district of land, and the list must contain a description of each tract assessed, the number of acres in each tract, and the names of the owners in each tract, if known, and if unknown, the amount of charges assessed against each tract; and the board of commissioners must, on completion of such list, cause a notice to be published in some paper published in the county where such district is situated, and also have such notice posted in three places in such district, to the effect that the board of commissioners will, in ten days from the publication of such notice, meet (and they shall also name the time and place of such meeting) as a board of equalization for the purpose of equalizing assessments, and will continue in session as long as may be necessary, not to exceed ten days, at the end of which time, having equalized and adjusted such assessments, the list must then be filed as hereinafter provided. [Amendment approved March 31, 1891. Stats. 1891, p. 262. In effect immediately.]

Filing list.

Sec. 14. The list so made must be filed with the county treasurer of the county, or if the district is partly situated in different counties, then the original list must be filed in the county first in order under alphabetical arrangement, and copies thereof, certified by the commissioners, must be filed with the treasurers of each of the other counties. From and after the filing of the list, or certified copies thereof, the charges assessed upon any tract of land in the county constitutes a lien thereon; and the list thus prepared must remain in the office of the treasurer for

thirty days, or longer if ordered by the board of trustees; and during the time they so remain any person may pay the amount of the charges against any tract to the treasurer without costs; or if so ordered by the board of trustees, said payments may be by installments; and if at the end of thirty days, or of the longer period fixed by trustees, all of the charges, or all of any installments ordered by them, have not been paid, the treasurer must return the list to the district attorney, who must at once proceed by civil action to collect such charges.

Executing work.

Sec. 15. The work must be executed under the direction and in the manner prescribed by the board of trustees.

Account of expenditures.

Sec. 16. The board must keep accurate accounts of all expenditures, which accounts, and all contracts that may be made by them, are open to the inspection of the board of supervisors, and every person interested.

Purchases by trustees.

Sec. 17. The trustees may acquire, by purchase, all property necessary to carry out and maintain the system of drainage provided for.

Eminent domain.

Sec. 18. The trustees may acquire, by condemnation, the right of way for canals, drains, embankments, and other works necessary, and may take materials for the construction, maintenance, and repair thereof from lands outside of as well as in the limits of said district.

Same.

Sec. 19. The provisions of title VII, part III, of the Code of Civil Procedure are applicable to, and condemnation herein provided for must be made thereunder.

Drainage by owners.

Sec. 20. Whenever any district susceptible of one mode of drainage, entirely owned by parties who desire to drain the same, and to manage such drainage without the intervention of trustees of [or], the establishment of by-laws, they may file the petition provided for in sections one and two, and must state therein that they intend to undertake such drainage on their own responsibility. If the petition is granted, the owners of the land have all the rights,

immunities, and privileges granted to boards of trustees, and in all proceedings the names of owners may be used instead of the names of trustees.

Sec. 21. This act shall take effect upon its passage.

ACT 988.

An act to promote the drainage of wet, swamp and overflowed lands, and to promote the public health in the communities in which they lie.

[Approved March 21, 1903. Stats. 1903, 354.]

The people of the state of California, represented in senate and assembly, do enact as follows:

Section 1. Whenever ten or more landholders owning parts of any body of wet, swamp or overflowed lands susceptible of drainage by a ditch or drain, or a system of ditches or drains, shall file with the board of supervisors of the county in which said lands, or a portion thereof, are situated, a petition for the establishment of such ditch or drain, or system of ditches or drains, for the draining of said body of lands, defining the boundaries of such body of lands and the location and courses of such ditch or drain, or system of ditches or drains, through said body of lands, and the lands through which it or they are to pass to their outlets, and shall give said supervisors a good and sufficient bond for the payment of all costs that may accrue provided said petition shall not be granted, said supervisors shall, within thirty days of the filing of said petition, appoint a day for the hearing of the same, which shall not be less than fifteen nor more than forty days from such appointment; and shall, also, cause to be published in some newspaper published and having a general circulation in the county, a copy of said petition together with a notice by the clerk of said board of the time and place set for hearing said petition; said publication shall be in a daily or weekly newspaper and for at least two weeks next preceding the time set for said hearing.

Sec. 2. Said supervisors shall also direct the county surveyor to survey the line or lines of said proposed ditch or drain, or system of ditches or drains, taking notes of the descent of the land and the character thereof, and report to said board, on or before said day of hearing, the descent, if any, between the head and outlet of said ditch or ditches, together with a list of intermediate grades, the lands bene-

fited by said proposed ditch or ditches, and such other information as may come under his notice upon the matter of such proposed location. In locating such ditches or drains, whenever practicable, they shall be located on section or subdivision lines, but the said surveyor may, in surveying the same, follow the lines of location described in said petition or vary therefrom as he may deem for the greatest advantage of said lands and the best location of said ditch or ditches.

Sec. 3. Upon the hearing of said petition any person interested in the lands described therein, or the community in which the same are located, may appear and support or oppose the granting of said petition, and witnesses may be sworn and testify in reference thereto.

Sec. 4. If the supervisors shall, on hearing the petition, find that the construction of the ditch or drain, or system of ditches or drains, petitioned for (or as modified by the report of the surveyor) would be advisable, and beneficial to the lands described in the petition, or a smaller body lying within the same, and such body of lands so to be benefited constitute the lands of a farming community or neighborhood, or that the construction of said ditch or drain, or system of ditches or drains, would be conducive to the health of the community or neighborhood in which they lie, then, the supervisors shall, in their discretion, grant said petition for the construction of said ditch or drain, or system of ditches or drains, as prayed for (or as modified by the report of the surveyor) and shall proceed to examine the lands affected thereby, and shall direct the surveyor to survey the same and set stakes every hundred feet, and to make a journal of the depth and width to be excavated at each of said stakes. If, upon the hearing, the said supervisors shall find the location of said ditch or ditches inadvisable, the petition shall be denied and the costs of the proceedings shall be collected from the petitioners or their bondsmen.

Sec. 5. After having made such examination of the lands so affected said supervisors shall then apportion the excavation of said ditch and the cost of location (including the cost of right of way, when necessary) and superintendence of construction by the surveyor, to the lands affected thereby, according to the benefits received, after giving notice to the owners of such lands of the time

and place of making such apportionment, and giving to each a hearing. The names of such owners may be taken from the last assessment books of the county wherein such lands are situate, and such notice shall be in writing, delivered to each landowner resident upon such land so affected, or left at his place of residence with some competent person, at least ten days before the time set for said hearing, and to each landowner not resident upon such lands so affected, by depositing the same in the post-office directed to him at his place of residence or address, at least twelve days before said time so set for said hearing, and in case the residence or postoffice address of such non-resident be not known, then by posting said notice in a prominent place on the lands so affected and owned by him, at least twelve days before the time set for said hearing. All notices provided for in this act shall be given by the clerk of said board of supervisors, by and under their direction and authority.

Sec. 6. After having completed said hearing and apportionment, the board shall then give notice in the same manner as provided in section five, to all the landowners of the part of ditch apportioned to them, as described by the stakes and their numbers, and of the specifications of the ditch, and, also, of the cost of location and superintendence of construction (and right of way, when necessary); and said notice shall also specify the time set for the completion of the work and the payment of the cost of location, superintendence and right of way.

Sec. 7. On the day set for the completion of the work, or as soon thereafter as is practicable, the county surveyor shall proceed to examine said ditch or ditches, and if, in his opinion, any portion thereof shall not be completed according to the specifications, he shall report the same to the board of supervisors, who shall fix a reasonable time within which the same shall be completed, and shall notify the person to whom said portion was apportioned to complete the same within such time. If not so completed, at the expiration of the time specified said board of supervisors shall advertise the construction of the same by posting notices for two weeks in three conspicuous places within the territory affected by said ditch. Upon the time specified in said notice said supervisors shall proceed to let the same to the lowest responsible bidder, who shall

give such bonds as shall be required by said board, and shall proceed to complete such works in the time agreed upon. The board shall report the cost of such work to the county auditor, who shall cause the amount thereof to be entered on the tax books of the county, and the same shall be a tax upon said lands, which amount shall be collected the same as other taxes, and paid to the person performing such work. The cost of location and supervision, and right of way, if not paid at the time required, shall also be reported in like manner to the county auditor and collected as a tax upon the lands affected and paid to the county treasurer.

Sec. 8. The county treasurer shall place such funds to the credit of each respective ditch fund and shall pay out the same on warrants drawn by the board of supervisors. The treasurer shall receive, as compensation for his services, one per cent of all moneys by him disbursed under this act.

Sec. 9. The county surveyor shall superintend the construction of all ditches and drains constructed under the provisions of this act, and when constructed they shall be in charge of the officer having charge and supervision of the roads in the district in which they lie. The owners of lands to whom they have been apportioned, shall keep in repair such ditches in accordance with the apportionment, and if not so kept in repair, the board of supervisors shall direct the same to be done, and the cost thereof shall be a tax upon the land, to be collected as hereinbefore provided.

Sec. 10. Any person causing an encroachment or obstruction to any ditch or drain created under the provisions of this act, and failing to remove the same for the space of twenty-four hours after notice shall have been given to such person by the road-master, if he can be found in the county, otherwise by posting by him at or near the place of encroachment or obstruction, may be fined not exceeding two hundred dollars, or imprisoned not more than thirty days in the county jail, or by both such fine and imprisonment. The fines so collected shall be placed to the credit of the district road fund where such encroachment or obstruction is had, and proceedings for such offenses may be had before any court of competent jurisdiction.

Sec. 11. The provisions of this act shall not be construed so as to permit waters to be carried out of their natural course to augment other streams or drains, to the damage of the residents along the banks of the streams or drains so augmented.

Sec. 12. Whenever the board of supervisors cannot purchase, at a reasonable price, or procure the right of way, or procure the consent of all parties interested to join or connect with any existing ditches or outlets, the president of the board may proceed to condemn the same under the provisions of title VII, part III, of the Code of Civil Procedure, and amendments thereto, which are now existing or may hereafter be made.

Sec. 13. This act is not intended to supersede or repeal any other act for the construction or maintenance of ditches or for drainage purposes, but is intended as an independent and alternative means of constructing such ditches where most applicable or desirable to the parties interested.

Sec. 14. This act shall take effect and be in force from and after its passage.

ACT 987.

An act to provide for the organization and government of drainage districts, for the drainage of agricultural lands other than swamp and overflowed lands, and to provide for the acquisition or construction thereby of works for the drainage of the lands embraced within such districts.

[Approved March 20, 1903. Stats. 1903, 291.]

The people of the state of California, represented in senate and assembly, do enact as follows:

Section 1. Whenever fifty or a majority of the holders of title, or evidence of title as herein provided, to agricultural lands other than swamp and overflowed lands, which are susceptible of one general mode of drainage by the same system of works, desire to provide for the drainage of such lands, they may propose the organization of a drainage district under the provisions of this act, and when so organized, such district shall have the powers, rights and duties conferred, or which may be conferred by law, upon such drainage districts. The equalized county assessment roll next preceding the presentation of a petition for the organization of a drainage district under the provisions

of this act, shall be sufficient evidence of title for the purposes of this act; provided, that no person who has received or acquired title to land within such proposed district for the purpose of enabling him or her to join in such petition or to become an elector of said district, shall be allowed to sign such petition or to vote at any election to be held in such district under the provisions of this act. Such illegal signing, however, shall not invalidate such petition when there shall be found a sufficient number of other legal petitioners.

Sec. 2. In order to propose the organization of a drainage district, a petition shall be presented to the board of supervisors of the county in which the lands within the proposed district or the greater portion thereof, are situated, signed by the required number of holders of title, or evidence of title, to lands within such proposed district, which petition shall set forth and particularly describe the proposed boundaries of such district, and shall pray that the same be organized under the provisions of this act. The petitioners must accompany the petition with a good and sufficient bond, to be approved by the said board of supervisors, in double the amount of the probable cost of organizing such district, conditioned that the obligors will pay all the costs in case such an organization will not be effected. The petition shall be presented at a regular meeting of said board of supervisors, and shall have been published for at least two weeks before such presentation, in some newspaper printed and published in the county where the petition is presented, together with a notice stating the date of the meeting of said board at which the petition will be presented; and if any portion of the proposed district lies within another county, or counties, then said petition and notice shall be likewise published in a newspaper printed and published in each of such counties.

Sec. 3. When such petition is presented, the board of supervisors shall hear the same, and may adjourn such hearing from time to time not exceeding four weeks in all, and on the final hearing said board shall make such changes in the proposed boundaries as may be deemed advisable, and shall define and establish such boundaries. But said board shall not modify said boundaries so as to exclude from such proposed district any territory which is susceptible of drainage by the same system of works

applicable to the other lands in such proposed district; nor shall any lands which will not, in the judgment of said board, be benefited by drainage, by means of said system of works, be included within such proposed district. Any person whose lands are susceptible of drainage by the same system of works, may, upon his application, in the discretion of said board, have such lands included within said proposed district. Upon such hearing of said petition, the board of supervisors shall determine whether or not said petition complies with the requirements of sections one and two of this act, and for that purpose must hear all competent and relevant testimony offered in support or in opposition thereto. Such determination shall be entered upon the minutes of said board of supervisors.

Sec. 4. The right of appeal from said order to the superior court of the county where said petition is heard, is hereby given to any person interested, who is a party to the record; provided, that if more than one appeal be taken they shall be consolidated and tried together. Such appeal shall be taken within ten days after the entry of such order upon the minutes of the board of supervisors. The appeal shall be taken and heard in the same manner as appeals from justices' courts to the superior court, except as herein otherwise provided. Upon the appeal, the superior court may make and enter its judgment affirming, modifying, or reversing the order appealed from. Within ten days thereafter, the superior court must cause its remittitur to issue to said board of supervisors, and if said order of the board of supervisors is modified or reversed, the judgment of the superior court and its remittitur shall direct the board of supervisors what order it shall enter. Such remittitur shall be filed by the clerk of the board of supervisors, and at the first regular meeting of the board thereafter, it shall cause to be entered in its minutes the order as directed by said superior court. The appeal herein provided for shall be heard and determined within thirty days from the time of filing the notice of appeal.

Sec. 5. When, under the provisions of the preceding sections, the boundaries of the proposed district are defined and established, said board shall make an order dividing said district into three or five divisions, as nearly equal in size as practicable, which divisions shall be

numbered consecutively, and one director who shall be an elector and a resident freeholder of the division, shall be elected, as hereinafter provided, by each division; provided, that when requested in the petition three directors who shall be residents, electors and freeholders of the district, shall be elected at large by the qualified electors of the district.

Sec. 6. Said board of supervisors shall then give notice of an election to be held in such proposed district for the purpose of determining whether or not the same shall be organized under the provisions of this act. Such notice shall designate a name for such proposed district, and describe the boundaries thereof and the boundaries of the precincts established therein, when more than one, together with a designation of the polling-places and board of election for each precinct; and said notice shall be published for at least three weeks previous to such election, in a newspaper published within the county in which the petition for the organization of the proposed district was presented; and if any portion of such proposed district is within another county or counties, then such notice shall be published for the same length of time in a newspaper published in each of said counties. Such notice shall require the electors to cast ballots, which shall contain the words "Drainage District—Yes" or "Drainage District—No" or words equivalent thereto, and also the names of one or more persons (according to the divisions of the proposed district as prayed for in the petition and ordered by the board) to be voted for to fill the office of director. Such election shall be conducted as nearly as practicable in accordance with the general election laws of the state but no particular form of ballot shall be required.

Sec. 7. No person shall be entitled to vote at any election held under the provisions of this act unless he possesses all the qualifications required of electors under the general election laws of the state.

Sec. 8. The said board of supervisors shall on the first Monday succeeding such election, if then in session, or at its next succeeding general or special session proceed to canvass the votes cast thereat, and if upon such canvass, it appear that at least two thirds of all the votes cast are "Drainage District—Yes," the board shall by an order entered in its minutes, declare such territory duly organ-

ized as a drainage district, under the name theretofore designated, and shall declare the persons receiving, respectively the highest number of votes for directors to be duly elected to such offices.

Sec. 9. Said board shall then cause a copy of such order, duly certified, to be immediately filed for record in the office of the county recorder of any county in which any portion of the lands embraced in such district are situated, and must also immediately forward a copy thereof to the clerk of the board of supervisors of each of said last mentioned counties and no board of supervisors of any county in which any portion of the lands embraced in such district are situated, shall, after the date of the organization thereof, allow another district to be formed including any portion of said lands, without the consent of the board of directors of the district in which they are situated. From and after such filing, the organization of the district shall be complete.

Sec. 10. Such election on organization may be contested by any person owning property within the proposed district liable to assessment. The directors elected at such election shall be made parties defendant. Such contest shall be brought in the superior court of the county where the petition for organization is filed; provided, that if more than one contest be pending they shall be consolidated and tried together. The court having jurisdiction shall speedily try such contest, and determine, upon the hearing, whether the election was fairly conducted and in substantial compliance with the requirements of this act, and enter its judgment accordingly. Such contest must be brought within twenty days after the canvass of the vote and declaration of the result by the board of supervisors. The right of appeal is hereby given to either party to the record within thirty days from entry of judgment. The appeal must be heard and determined by the supreme court within sixty days from the time of filing the notice of appeal.

Sec. 11. The directors elected at the election hereinbefore provided for shall immediately enter upon their duties as such upon qualifying in the manner herein provided. Said directors shall hold office respectively until their successors are elected and qualified.

Sec. 12. The directors of any district created after the passage of this act, on the first Tuesday after their election,

after they shall have qualified, shall meet and classify themselves by lot into two classes, as nearly equal in number as possible, and the term of office of the class having the greater number shall expire at the next general February election in this act provided for; and the term of office of the class having the lesser number shall terminate at the next general February election thereafter. After such classification, said directors shall organize as a board, shall elect a president from their number, and appoint a secretary, who shall each hold office during the pleasure of the board. The salary of the secretary and the amount of the bond to be given by him for the faithful performance of his duties shall be fixed by the board of directors.

Sec. 13. The board of directors shall hold regular meetings in their office on the first Tuesday in March, June, September and December, and such special meetings as may be required for the proper transaction of business; provided, that all special meetings must be ordered by a majority of the board by an order entered in the minutes specifying the business to be transacted. Three days' notice to any member not joining in the order must be given by the secretary, and only the business specified in the order must be transacted at such special meeting. All meetings of the board must be public, and a majority of members shall constitute a quorum for the transaction of business. A minute of all proceedings of the board shall be kept by the secretary, and all records of the board shall be open to public inspection during business hours. The board of directors shall, on the first Tuesday in March of each and every year, render, and immediately thereafter cause to be published, a verified statement of the financial condition of the district, showing particularly the receipts and disbursements of the last preceding year, together with the source of such receipts and purpose of such disbursements. Said publication shall be made at least once a week for two weeks, in some paper published in the county where the office of the board of directors of such district is situated.

Sec. 14. The board shall have the power and it shall be their duty, to manage and conduct the business and affairs of the district; make and execute all necessary contracts; to adopt a seal for the district to be used in the attestation of proper documents; provided for the payment,

from the proper fund, of all the debts and just claims against the district; employ and appoint when necessary, engineers to survey, plan, locate, and estimate the cost of the works necessary for drainage and the land needed for right of way, including drains, canals, sluices, water-gates, embankments and material for construction, and to construct, maintain, and keep in repair all works necessary for the purpose of drainage. The board and its agents and employees shall have the right to enter upon any land to make surveys, and may locate the necessary drainage works and the line for any canals, sluices, water-gates and embankments, and the necessary branches for the same, on any lands which may be deemed best for such location. Said board shall also have the right to acquire, hold and possess either by donation, purchase or condemnation, any land or other property, necessary for the construction, use, maintenance, repair, and improvement of any works required for the purpose of drainage as provided herein. The board may establish equitable by-laws, rules and regulations necessary or proper for carrying on the business herein contemplated, and generally may perform all such acts as shall be necessary to fully carry out the purposes of this act.

Sec. 15. The board of directors, when they deem it advisable for the best interests of the district and the convenience of the electors thereof, may at any time, but not less than 60 days before an election to be held in the district, change the boundaries of the divisions and election precincts of the district; provided, such changes shall be made to keep each division as nearly equal in area and population as may be practicable. Such change of boundaries of the division must be shown on the minutes of the board.

Sec. 16. In case of condemnation proceedings, the board shall proceed, in the name of the district, under the provisions of title seven, part three, of the Code of Civil Procedure, which said provisions are hereby made applicable for that purpose, and it is hereby declared that the use of the property which may be condemned, taken, or appropriated under the provisions of this act, is a public use, subject to regulation and control of the state in the manner prescribed by law.

Sec. 17. In each district organized as herein provided, an election shall be held on the first Wednesday in Febru-

ary, nineteen hundred and five, and on the first Wednesday of February of each second year thereafter, at which a board of directors for the district, as provided in section 5 of this act, shall be elected. The person receiving the highest number of votes for the office to be filled at such election, is elected thereto. Within ten days after receiving their respective certificates of election, each of said persons shall qualify as such by taking and subscribing the official oath and filing a bond as herein provided. Each director shall execute an official bond in the sum of one thousand dollars, which shall be approved by the judge of the superior court of the county where the organization of the district was effected and shall be recorded in the office of the county recorder of such county and then, together with his official oath, filed with the secretary of the board of directors. All official bonds herein provided for shall be in the form prescribed by law for the official bonds of county officers. If a vacancy shall occur in the office of director the same shall be filled by appointment by the supervisors of the county where such district is organized. A director so appointed shall qualify within ten days after receiving notice of his appointment as in said act provided, if he were elected to such office and he shall hold such office only until the next regular election for said district and until his successor is elected and qualified.

Sec. 18. On the first Tuesday in March next following the election, the directors who shall have been elected at the general February election, shall meet and organize as a board, elect a president and appoint a secretary, who shall each hold office during the pleasure of the board. And the directors of districts now organized, who shall have been elected at the general February election of nineteen hundred and five, shall, on the first Tuesday in March next thereafter, when they meet to organize, first classify themselves by lot into two classes as nearly equal in number as possible. And the terms of office of the class having the greater number shall be two years; and the term of office of the lesser number shall be four years. The full term of office of directors is hereby fixed at four years. The office of the board of directors of any such district may be established by said board of directors at the county seat, or at some proper and convenient place within the district, but after the office is once established it shall

not be changed without giving notice thereof by posting in three public places in the district and by publishing a similar notice for thirty days in some newspaper of general circulation published in the county where such district is organized.

Sec. 19. Fifteen days before any election held under this act, subsequent to the organization of any district, the secretary of the board of directors shall cause notices to be posted in three public places in each election precinct, of the time and place of holding the election, and shall also post a similar notice of the same in a conspicuous place in the office of the said board, specifying the polling-places of each precinct, and the names of the members of the boards of election, for each precinct. Prior to the time for posting such notices, the board must appoint for each precinct, from the electors thereof, one inspector and one judge and one clerk, who shall constitute a board of election for such precinct. If the board fail to appoint a board of election, or the members appointed, or any of them do not attend at the opening of the polls on the morning of election, the electors of the precinct present at that hour, may appoint the board, or supply the place of an absent member thereof. The board of directors must in its order appointing the board of election, designate the place within each precinct where the election must be held.

Sec. 20. The inspector is chairman of the election board, and may administer all oaths required in the progress of an election; and appoint judges and clerks, if, during the progress of the election, any judge or clerk cease to act. Any member of the board of election, or any clerk thereof, may administer and certify oaths required to be administered during the progress of an election. The board of election for each precinct must, before opening the polls, appoint two persons to act as clerks of the election. Before opening the polls, each member of the board and each clerk must take and subscribe an oath to faithfully perform the duties imposed upon them by law. Any elector of the precinct may administer and certify such oath. The polls must be open at 9:00 o'clock A. M., and be kept open until 4:00 o'clock P. M., when the same must be closed. The provisions of the general election laws concerning the form of ballots to be used shall not apply to elections held under this act.

Sec. 21. Voting may commence as soon as the polls are opened, and may be continued during all the time the polls remain opened, and shall be conducted, as nearly as practicable, in accordance with the provisions of the general election laws in this state.

Sec. 22. As soon as all the votes are read off and counted, a certificate shall be drawn up on each of the papers containing the poll list and tallies, or attached thereto, stating the number of votes each one voted for has received, and designating the office to fill which he was voted for, which number shall be written in figures and in words at full length. Each certificate shall be signed by the clerk, judge and the inspector. One of said certificates with the poll list and the tally paper to which it is attached, shall be retained by the inspector, and preserved by him at least six months. The ballots shall be strung upon a cord or thread by the inspector, during the counting thereof, in the order in which they are entered upon the tally list by the clerks; and said ballots together with the other of said certificates, with the poll list and tally paper to which it is attached, shall be sealed by the inspector in the presence of the judges and clerks, and indorsed "Election returns of (naming the precinct) precinct" and be directed to the secretary of the board of directors and shall be immediately delivered by the inspector, or by some other safe and responsible carrier designated by said inspector, to said secretary, and the ballots shall be kept unopened for at least six months, and if any person be of the opinion that the vote of any precinct has not been correctly counted, he may appear on the day appointed for the board of directors to open and canvass the returns and demand a recount of the vote of the precinct that is so claimed to have been incorrectly counted.

Sec. 23. No list, tally paper, or certificate from any election, shall be set aside or rejected for want of form if it can be satisfactorily understood. The board of directors must meet at its usual place of meeting on the first Monday after each election to canvass the returns. If, at the time of meeting, the returns from each precinct in the district in which the polls were opened have been received, the board of directors must then and there proceed to canvass the returns; but if all the returns have not been received, the canvass must be postponed from day to day

until the returns have been received, or until six postponements have been had. The canvass must be made in public and by opening the returns and estimating the vote of the district for each person voted for and declaring the result thereof.

Sec. 24. The secretary of the board of directors, must, as soon as the result is declared, enter in the records of such board, a statement of such result, which statement must show: (a) the whole number of votes cast in the district and in each precinct thereof if there be more than one precinct; (b) the names of the persons voted for; (c) the office to fill which each person was voted for; (d) the number of votes given in each precinct to each of such persons; (e) the number of votes given in each division for the office of director. The board of directors must declare elected the persons having the highest number of votes given for each office. The secretary must immediately make out and deliver to such person a certificate of election, signed by him, and authenticated with the seal of the board.

Sec. 25. In any district the board of directors thereof may, upon the presentation of a petition therefor, by a majority of the holders of title, or evidence of title, of said district, evidenced as above provided, order that on and after the next ensuing general election for the district, there shall be either three or five directors, as said board may order, and they shall be elected, by the district at large, or by divisions, as so petitioned and ordered; and after such order such directors shall be so elected.

Sec. 26. The legal title to all property acquired under the provisions of this act shall immediately and by operation of law vest in such drainage district, and shall be held by such district in trust for and is hereby dedicated and set apart to the uses and purposes set forth in this act. And said board is hereby authorized and empowered to hold, use, acquire, manage, occupy, and possess said property as herein provided. The said board is hereby authorized and empowered to take conveyances or other assurances for all property acquired by it under the provisions of this act, in the name of such drainage district, to and for the uses and purposes herein expressed, and to institute and maintain any and all actions and proceedings, suits at law or in equity, necessary or proper in order to fully carry out

the provisions of this act, or to enforce, maintain, protect, or preserve any and all rights, privileges and immunities created by this act, or acquired in pursuance thereof. And in all courts, actions, suits, or proceedings, the said board may sue, appear, and defend in person or by attorneys, and in the name of such drainage district.

Sec. 27. For the purpose of constructing necessary conduits, drains, sluices, water-gates, embankments and all works necessary for the purpose of drainage, and acquiring the necessary property and rights therefor, and otherwise carrying out the provisions of this act, the board of directors of any such district must, as soon after such district has been organized as may be practicable, and also whenever thereafter the construction fund has been exhausted by expenditures as herein authorized therefrom, and it is necessary to raise additional money for said purposes, estimate and determine the amount of money necessary to be raised. And thereafter said board shall immediately call a special election, at which shall be submitted to the electors of such district the question whether or not the bonds of said district shall be issued in the amount so determined. Notice of such election must be given by posting notices in three public places in each election precinct in said district for at least twenty days, and also by publication of such notice in some newspaper published in the county where the office of the board of directors of such district is required to be kept, once a week for at least three successive weeks. Such notices must specify the time of holding the election, the amount of bonds proposed to be issued; and said election must be held and the result thereof determined and declared in all respects as nearly as practicable in conformity with the provisions of this act governing the election of officers; provided, that no informalities in conducting such an election shall invalidate the same, if the election shall have been otherwise fairly conducted. At such election the ballots shall contain the words "Bonds—Yes" or "Bonds—No," or words equivalent thereto. If a majority of the votes cast are "Bonds—Yes," the board of directors shall cause bonds in said amount to be issued; if a majority of the votes cast at any bond election are "Bonds—No," the result of such election shall be so declared and entered of record. Whenever thereafter, a petition of the character hereinbefore pro-

vided for in this section, is presented to the board, it shall so declare of record in its minutes, and shall thereupon submit such questions to said electors in the same manner and with like effect as at such previous election.

Sec. 28. All bonds issued under the provisions of this act shall be payable in gold coin of the United States, in ten series as follows, to wit: On the first day of January after the expiration of eleven years, five per cent of the whole number of said bonds; on the first day of January, after the expiration of twelve years, six per cent; on the first day of January after the expiration of thirteen years, seven per cent; on the first day of January after the expiration of fourteen years, eight per cent; on the first day of January after the expiration of fifteen years, nine per cent; on the first day of January after the expiration of sixteen years, ten per cent; on the first day of January after the expiration of seventeen years, eleven per cent; on the first day of January after the expiration of eighteen years, thirteen per cent; on the first day of January after the expiration of nineteen years, fifteen per cent; and on the first day of January after the expiration of twenty years, sixteen per cent; that the several enumerated percentages being of the entire amount of the bond issue, but each bond must be made payable at a given time for its entire amount and not for a percentage. Said bonds shall bear interest at the rate of five per cent per annum, payable semi-annually, on the first day of January and July of each year. The principal and interest shall be payable at the place designated therein. Said bonds shall be each of the denomination of not less than one hundred dollars nor more than five hundred dollars; shall be negotiable in form, signed by the president and secretary, and the seal of the board of directors shall be affixed and the bonds of each issue shall be numbered consecutively, and bear date at the time of their issue. Coupons for the interest shall be attached to each bond, signed by the secretary. Said bonds shall express on their face that they were signed by authority of this act, stating its title and date of approval, and shall also so state the number of the issue of which such bonds are a part. The secretary shall keep a record of the bonds sold, their number, the date of sale, the price received, and the name of the purchaser.

Sec. 29. The board may sell said bonds from time to

time in such quantities as may be necessary and most advantageous, to raise money for the construction of said drains and works, the acquisition of said property and rights, and otherwise to fully carry out the objects and purposes of this act. Before making any sale the board shall, at a meeting, by resolution, declare its intention to sell a specified amount of the bonds, and the day and hour and place of such sale, and shall cause such resolution to be entered in the minutes, and notice of the sale to be given, by publication thereof at least three weeks in some newspaper published in the county where the office of the board of directors is located, and in any other newspaper, at its discretion. The notice shall state that sealed proposals will be received by the board at their office, for the purchase of bonds, till the day and hour named in the resolution. At the time appointed the board shall open the proposals, and award the purchase of the bonds to the highest responsible bidder; provided, however, that they may reject all bids. Said board shall in no event sell any of the said bonds for less than the par value thereof.

Sec. 30. Any bonds issued under the provisions of this act, shall be a lien upon the property of the district and the lien for the bonds of any issue shall be a preferred lien to that for any subsequent issue. Said bonds, and the interest thereon, shall be paid by revenue derived from an annual assessment upon the real property of the district; and all the real property in the district shall be and remain liable to be assessed for such payments as hereinafter provided.

Sec. 31. In case the money raised by the sale of bonds issued be insufficient or in case the bonds be unavailable for the completion of the plan of drainage and works adopted, and additional bonds be not voted, it shall be the duty of the board of directors to provide for the completion of said plan by levy of assessments therefor; provided, however, that such levy of assessments shall not be made except first an estimate of the amount required for such purposes has been made by said board, and the question as to the making of said levy submitted to a vote of the electors of the district. Before such question is submitted, the order of submission shall be entered in the minutes of the board, stating the amount to be levied and

the purpose therefor, and if submitted at a special election said order shall, in addition, fix the day of election. Notice of such election must be given by posting notices in three public places in each election precinct in said district for at least twenty days, and also by publication of such notice in some newspaper published in the county where the office of the board of directors of such district is required to be kept, once a week for at least three successive weeks. Such notices must specify the time of holding the election, and the amount of assessment proposed to be levied. Said election must be held and the result thereof determined and declared in all respects as nearly as practicable in conformity with the provisions of this act governing the election of officers; provided, that no informalities in conducting such an election shall invalidate the same, if the election shall have been otherwise fairly conducted. At such election the ballots shall contain the words "Assessment—Yes," or "Assessment—No," or words equivalent thereto. If a majority of the votes cast are "Assessment—Yes," the board of directors shall proceed in the manner prescribed in sections 40-43 herein provided for raising funds for the annual requirements; if a majority of the votes cast are "Assessment—No," the result of such election shall be so declared and entered of record.

Sec. 32. Whenever a district organized under the provisions of this act, has outstanding bonds, coupons, or other evidences of indebtedness, the payment thereof may be provided for by the issuance of new bonds, in the manner hereinafter prescribed.

Sec. 33. In order to propose the funding of such bonds, coupons, or other evidences of indebtedness a petition shall be presented to the board of directors of such drainage district, signed by a majority in number of holders of title or evidences of title to real property in such district, which petition shall set forth the amount of bonds, coupons, or other evidences of indebtedness proposed to be funded, together with a general description of same, also the total amount of the bonds sought to be issued (provided, that said amount shall in no case be greater than the total amount of bonds, coupons, and other evidences of indebtedness then outstanding and sought to have funded), together with a full and complete statement of the purposes for which such bonds are to be used.

On presentation of such petition, the same shall be entered in full on the minutes of the board.

Sec. 34. Immediately after the recording of said petition, the board shall call a special election, at which shall be submitted to the electors of such district the question whether or not the bonds of such district in the amount set forth in said petition shall be issued. Notice of such election must be given by posting notices in three public places in each election precinct in said district for at least twenty days, and also by publication of such notice in some newspaper published in the county where the office of the board of directors of such district is required to be kept, once a week for at least three successive weeks before such election. Such notice must specify the time of holding the election, the amount of bonds proposed to be issued, the amount of bonds, coupons or other evidences of indebtedness proposed to be funded, together with a general description of the same. Said election shall be held and the result thereof determined and declared in all respects as nearly as practicable in conformity with the provisions governing the election of officers; provided, that no informalities in conducting such an election shall invalidate the same, if the election shall have been otherwise fairly conducted. At such election, the ballots shall contain the words "Bonds—Yes" or "Bonds—No" or words equivalent thereto. If two thirds of the votes cast are "Bonds—Yes" the board of directors shall cause bonds in said amount to be issued. If more than one third of the votes cast at such election are "Bonds—No," the result of such election shall be so declared. The result in either case shall be duly entered of record.

Sec. 35. If said bonds are directed to be issued as herein provided for, the board of directors shall cause the same to be issued. Said bonds shall be made payable in gold coin of the United States, in twenty series, as follows, to wit: On the first day of January after the expiration of twenty years, five per cent of the whole amount of said bonds, and on the first day of January of each year thereafter, an equal amount of such bonds until all shall have been finally paid; that is, five per cent of the whole issue of bonds—not five per cent of each bond, each being wholly payable when due. Said bonds shall bear interest at the rate of five per cent per annum, payable semi-

annually on the first day of January and July of each year. They shall be negotiable in form, and shall be of denominations of not less than \$100 nor more than \$500. Said bonds shall in all respects conform to the form of bonds prescribed hereinbefore.

Sec. 36. It shall be unlawful to sell or exchange any of the bonds as herein provided for less than their par value.

Sec. 37. When bonds issued under section 35 of this act shall be duly executed, they shall be deposited with the treasurer of the county wherein the district was organized, who is hereby authorized and charged with the duty of receiving the same, and his receipt shall be taken therefor, and he shall be charged with the same on his official bond, and shall have no power to deliver the same in exchange for any bonds or indebtedness proposed to be funded until the bonds or evidence of indebtedness proposed to be funded shall have been surrendered to him, and he shall have been ordered by the board of directors of the district, by an order duly entered on their records to make such delivery. When such bonds have been exchanged for other bonds, coupons, or other evidences of indebtedness, the said treasurer shall at once cancel such other bonds, coupons, or other evidences of indebtedness by writing across the face thereof "Canceled" and the date of cancellation, and report the same with his next regular report hereinafter provided for to the board of directors of the district designating the bond, coupon, or other evidence of indebtedness, so that it can be identified, the date of cancellation, and the person from whom it was received, together with the amount paid therefor, or the terms of exchange, in case there is an exchange.

Sec. 38. When said bonds are issued for the purpose of sale to the highest bidder, the board may sell said bonds from time to time, in such quantities as may be necessary and most advantageous, to raise money to pay bonds, coupons, or other evidences of indebtedness of the district which were outstanding at the time of the filing of said petition, and generally described therein. Resolution of intention must be declared, and notice given, and the sale conducted in the manner prescribed in section 29 of this act for the sale of original bonds. Said bonds shall in no event be sold for less than their par value including

accrued interest. All moneys realized from the sale of bonds, issued under the provisions of this section, shall be paid into the hands of the said treasurer, and by him kept in a separate fund, known as the funding fund, and shall be applied exclusively to the payment of bonds, coupons, or other evidences of indebtedness of the district outstanding at the time of filing of the said petition, and described therein.

Sec. 39. The bonds issued as herein provided for may be exchanged, at not less than their par value, including accrued interest, for any of the indebtedness set out and described in the notice of the election authorizing the issuance of said refunding bond. A contract for such exchange may be made by the board of directors upon such terms as said board may deem advisable; provided, that they must receive not less than par value for the bonds so exchanged.

Sec. 40. The board of directors must, on or before the first meeting of the board of supervisors in September of each year, furnish the supervisors and the auditor of the county wherein the district is situated, or if such district is not entirely within one county, then as hereinafter provided, to the supervisors and auditors of each county in which any portion of the district is situated, an estimate in writing of the amount of money needed for the purposes of the district for the ensuing fiscal year. This amount must be sufficient to raise the annual interest on the outstanding bonds, to pay the estimated cost of repairs, the incidental expenses of the district, and in any year in which any bonds shall fall due, an amount sufficient to pay the principal of the outstanding bonds as they mature.

Sec. 41. If such district is in more than one county the total estimate as provided for in the preceding section shall be divided by the board of directors in proportion to value of the real property of the district in each county. This value must be determined from the equalized values of the last assessment rolls of such counties. When such division of the estimate has been made, the board shall furnish the supervisors and auditors of the respective counties a written statement of that part of the estimate apportioned to that county.

Sec. 42. The board of supervisors of each county wherein is situated a district or any part thereof organ-

ized under the provisions of this act, must, annually, at the time of levying county taxes, levy a tax to be known as the "—— (name of district) drainage district tax," sufficient to raise an amount reported to them as herein provided, by the board of directors. The supervisors must determine the rate of such tax by deducting fifteen per cent for anticipated delinquencies from the total assessed value of the real property of the district within the county as it appears on the assessment roll of the county, and then dividing the sum reported by the board of directors as required to be raised by the remainder of such total assessed value.

Sec. 43. The tax so levied shall be computed and entered on the assessment roll by the county auditor, and if the supervisors fail to levy the tax as provided in the preceding section, then the auditor must do so. Such tax shall be collected at the same time and in the same manner as state and county taxes, and when collected shall be paid into the county treasury for the use of said district.

Sec. 44. The provisions of the Political Code of this state prescribing the manner of levying and collecting taxes and the duties of the several county officers with respect thereto, are, so far as they are applicable and not in conflict with the specific provisions of this act, hereby adopted and made a part hereof. Such officers shall be liable upon their several official bonds for the faithful discharge of the duties imposed upon them by this act.

Sec. 45. If the district is in more than one county, the treasury of the county wherein the district was organized shall be the repository of all the funds of the district. For this purpose the treasurers of any other counties wherein is situated a portion of said district, must, at any time, not oftener than twice each year, upon the order of the board of directors, settle with said board and pay over to the treasurer of the county where the district was organized, all moneys in their possession belonging to the district. Said last-named treasurer is authorized and required to receive and receipt for the same, and to place the same to the credit of the district. He shall be responsible upon his official bond for the safe-keeping and disbursement, in the manner herein provided, of these and all other moneys of the district held by him.

Sec. 46. The following funds are hereby created and established, to which the moneys properly belonging shall be apportioned by the treasurer, to wit: Bond fund, construction fund, general fund, funding fund.

Sec. 47. The treasurer shall pay out of the same only upon warrants of the board of directors, signed by the president and attested by the secretary. The treasurer shall report in writing at each regular meeting of the board of directors and as often thereafter as requested by the board, the amount of money in the fund, the amount of receipts since his last report, and the amounts paid out; such reports shall be verified and filed with the secretary of the board.

Sec. 48. Upon the presentation of the coupons due, to the treasurer, he shall pay the same from the bond fund. Whenever said fund shall amount to the sum of ten thousand dollars in excess of an amount sufficient to meet the interest coupons due, the board of directors may direct the treasurer to pay such an amount of said bonds not due as the money in said fund will redeem, at the lowest value at which they may be offered for liquidation, after advertising in the manner hereinbefore provided for the sale of bonds, for sealed proposals for the redemption of said bonds. Said proposals shall be opened by the board in open meeting, at a time to be named in the notice, and the lowest bid for said bonds must be accepted; provided, that no bond shall be redeemed at a rate above par. In case the bids are equal, the lowest numbered bond shall have the preference. In case none of the holders of said bonds shall desire to have the same redeemed, as herein provided for, said money shall be invested by the treasurer, under the direction of the board, in United States bonds, or the bonds of the state, which shall be kept in said "bond fund" and may be used to redeem said district bonds whenever the holders thereof may desire.

Sec. 49. After adopting a plan for such conduits, drains, pumping plants, water-gates and other works, as in this act provided for, the board of directors shall give notice by publication thereof not less than twenty days in one newspaper published in each of the counties composing the district (provided, a newspaper is published therein) and in such other newspapers as they may deem advisable, calling for bids for the construction of such work, or of

any portion thereof; if less than the whole work is advertised, then the portion so advertised must be particularly described in such notice. Said notice shall set forth that plans and specifications can be seen at the office of the board, and that the board will receive sealed proposals therefor, and that the contract will be let to the lowest responsible bidder, stating the time and place for opening said proposals, which, at the time and place appointed shall be opened in public; and as soon as convenient thereafter the board shall let said work, whether in portions or as a whole, to the lowest responsible bidder; or they may reject any or all bids and readvertise for proposals, or may proceed to construct the work under their own superintendence. Contracts for the purchase of material shall be awarded to the lowest responsible bidder. Any person or persons to whom a contract may be awarded shall enter into a bond, with good and sufficient sureties, to be approved by the board, payable to said district for its use for fifty per cent of the amount of the contract price, conditioned for the faithful performance of said contract. The work shall be done under the direction and to the satisfaction of the engineer, and be approved by the board.

Sec. 50. No claim shall be paid by the treasurer until allowed by the board, and only upon a warrant signed by the president, and countersigned by the secretary.

Sec. 51. The cost and expense of purchasing and acquiring property and constructing the works and improvements herein provided for, shall be wholly paid out of the construction fund.

Sec. 52. The board of directors shall have power to construct the works necessary for drainage purposes across any stream of water, water-course, street, avenue, highway, railway, canal, ditch, or flume which the route of said conduits or drains may intersect or cross, in such manner as to afford security for life and property; but said board shall restore the same, when so crossed or intersected, to its former state as near as may be, or in such manner as not to have impaired unnecessarily its usefulness; and every company whose railroad, and the board of supervisors, where any public highway shall be intersected or crossed by said works, shall unite with said board in forming said intersections and crossings, and grant the

privileges aforesaid; and if such railroad company, or said board of supervisors, or the owners and controllers of the said property, thing, or franchise so to be crossed, and said board cannot agree upon the amount to be paid therefor, or the points or the manner of said crossings or intersections, the same shall be ascertained and determined in all respects as is herein provided in respect to the taking of property by condemnation. The right of way is hereby given, dedicated, and set apart, to locate, construct and maintain said works over and through any of the lands which are now or may be the property of this state.

Sec. 53. Each member of the board of directors shall receive three dollars per day for each day's attendance at the meetings of the board, and actual and necessary expenses while engaged in official business under the order of the board.

Sec. 54. No director or any other officer named in this act shall in any manner be interested, directly or indirectly in any contract awarded or to be awarded by the board, or in the profits to be derived therefrom; and for any violation of this provision, such officer shall be deemed guilty of a misdemeanor, and such conviction shall work a forfeiture of his office, and he shall be punished by a fine not exceeding five hundred dollars or by imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment.

Sec. 55. The board of directors may at any time, when in their judgment it may be deemed advisable call a special election and submit to the qualified electors of the district the question, whether or not a special assessment shall be levied for the purpose of raising money to be applied to any of the purposes provided in this act. Such election must be called upon the notice prescribed and the same shall be held and the result thereof determined and declared in all respects in conformity with the provisions of section 27 of this act. The notice must specify the amount of money proposed to be raised and the purpose for which it is intended to be used. At such elections the ballots shall contain the words "Assessment—Yes" or "Assessment—No." If two thirds or more of the votes cast are "Assessment—Yes," the board shall proceed in the manner hereinbefore prescribed for raising the annual funds by

taxation. When collected, the money shall be paid into the district treasury for the purposes specified in the notice of such special election.

Sec. 56. The board of directors shall have no power to incur any debt or liability whatever, either by issuing bonds or otherwise, in excess of the express provisions of this act; and any debt or liability incurred in excess of such express provisions shall be and remain absolutely void; except for the purposes of organization, or for any of the purposes of this act, the board of directors may, before the collection of the first assessment, incur an indebtedness not exceeding in the aggregate the sum of two thousand dollars, and may cause warrants of the district to issue therefor, bearing interest at seven per cent per annum.

Sec. 57. The rights of way, ditches, drains, conduits, flumes, pipe lines, dams, reservoirs, pumping plants, and other property of like character belonging to any drainage district shall not be taxed for state and county or municipal purposes.

Sec. 58. The board of directors shall within thirty days after the issue of any bonds herein provided for bring an action in the superior court of the county wherein is located the office of such board, to determine the validity of any such bonds. Such action shall be in the nature of a proceeding in rem, and jurisdiction of all parties interested may be had by publication of summons for at least once a week for three weeks in some paper of general circulation published in the county where the action is pending, such paper to be designated by the court having jurisdiction of the proceedings. Jurisdiction shall be complete within thirty days after the full publication of such summons in the manner herein provided. Any one interested may, at any time before the expiration of said thirty days, appear and by proper proceedings contest the validity of such bonds, and may in the same action or proceeding contest the validity of any bonds, coupons, or other evidences of indebtedness referred to in the petition for funding and proposed to be funded, and if any such bonds, coupons, or evidences of indebtedness be shown to be invalid, then the same shall only be funded for the amount of such proportion thereof as equals the fair and reasonable value of whatever the district may

have received in consideration therefor, together with unpaid interest thereon, and the amount of such proportion shall be determined and adjudicated by the court in said action or proceeding. Such action shall be speedily tried and judgment rendered declaring such bonds so contested either valid or invalid. Either party shall have the right to appeal at any time within thirty days after the entry of such judgment, which appeal must be heard and determined within three months from the time of taking such appeal.

Sec. 59. If no such proceeding shall have been taken by the board of directors, then at any time after thirty days and within ninety days after the issue of any bonds under the provisions of this act, any district assessment-payer may bring an action in the superior court of the county wherein the office of the board of directors is located, to determine the validity of any such bonds. The board of directors shall be made parties defendant and service of summons shall be made on the members of the board personally, if they can be found within the state; if not, then by publication for three weeks in some newspaper of general circulation within the county wherein the office of the board of directors is located, such newspaper to be designated by the court having jurisdiction. Before such publication can be had, an affidavit, in the usual form shall be made, showing such facts. Said board shall have the right to appear and contest such action. Notice of said action shall be given by publication of summons therein in the same manner and for the same time as required in the preceding section hereof in actions brought by the publication of such summons in the manner herein provided. Any district assessment-payer or any one interested may appear and defend said action, and thereafter the same proceedings shall be had in such action as are hereinbefore provided for in the preceding section hereof in actions brought by the board of directors, and the same matters determined and adjudicated by the court therein. Such action shall be speedily tried, with the right of appeal to either party, within the time and manner herein provided for the bringing of actions by the board to determine such matters. Such appeal shall be heard and determined within three months from the time of taking such appeal.

Sec. 60. At the hearing of such proceedings the court shall hear and determine the sufficiency of all proceedings.

Sec. 61. If more than one action shall be pending at the same time concerning similar contests in this act provided for, they shall be consolidated and tried together.

Sec. 62. The court hearing any of the contests herein provided for, in inquiring into the regularity, legality, or correctness of such proceedings, must disregard any error, irregularity or omission which does not affect the substantial rights of the parties to said action or proceeding. The rules of pleading and practice provided by the Code of Civil Procedure, which are not inconsistent with the provisions of this act, are applicable to all actions or proceedings herein provided for. The costs of any hearing or contest herein provided for may be allowed and apportioned between the parties or attached to the losing party, in the discretion of the court.

Sec. 63. No contest of any matter or thing herein provided for shall be made other than within the time and manner herein specified.

Sec. 64. The boundaries of any drainage district now organized or hereafter organized under the provisions of this act, may be changed, and tracts of land which were included within the boundaries of such district at or after its organization under the provisions of this act, may be excluded therefrom, in the manner herein prescribed; but neither such change of the boundaries of the districts nor such exclusion of lands from the district shall impair or affect its organization, or its right in or to property, or any of its rights or privileges of whatever kind or nature; nor shall it affect, impair, or discharge any contract, obligation, lien, or charge for or upon which said district was or may become liable or chargeable, had said change of its boundaries not been made, or had not such land been excluded from the district.

Sec. 65. The owner or owners in fee of one or more tracts of land which constitute a portion of a drainage district, may, jointly or severally, file with the board of directors of the district a petition, praying that such tract or tracts, and any other tracts contiguous thereto, may be excluded and taken from said district. The petition shall state the grounds and reasons upon which it is claimed that such lands should be excluded, and shall

describe the boundaries thereof, and also the lands of such petitioner, or petitioners which are included within such boundaries; but the description of such lands need not be more particular or certain than is required when the lands are entered in the assessment book by the county assessor. Such petition must be acknowledged in the same manner and form as is required in the case of a conveyance of land, and the acknowledgment shall have the same force and effect as evidence as the acknowledgment of such a conveyance.

Sec. 66. The secretary of the board of directors shall cause a notice of the filing of such petition to be published for at least two weeks in some newspaper published in the county where the office of the board of directors is situated, and if any portion of such territory to be excluded lie within another county or counties, then said notice shall be so published in a newspaper published within each of said counties; or, if no newspaper be published therein, then by posting such notice for the same time in at least three public places in said district, and in case of the posting of said notices, one of said notices must be so posted on the lands proposed to be excluded. The notice shall state the filing of such petition, the names of the petitioners, a description of the lands mentioned in said petition, and the prayer of said petition; and it shall notify all persons interested in, or who may be affected by such change of the boundaries of the district, to appear at the office of said board at a time named in said notice, and show cause, in writing, if any they have, why the change of the boundaries of said district, as proposed in said petition, should not be made. The time to be specified in the notice at which they shall be required to show cause shall be the regular meeting of the board next after the expiration of the time for the publication of the notice.

Sec. 67. The board of directors, at the time and place mentioned in the notice, or at the time or times to which the hearing of said petition may be adjourned, shall proceed to hear the petition, and all evidence of proofs that may or shall be introduced by or on behalf of the petitioner or petitioners, and all objections to such petition that may or shall be presented in writing by any person showing cause as aforesaid, and all evidence and proofs that may be introduced in support of such objections. Such evidence

shall be taken down, in shorthand, and a record made thereof and filed with the board. The failure of any person interested in said district, other than the holders of bonds thereof outstanding at the time of the filing of said petition with said board, to show cause, in writing, why the tract or tracts of land mentioned in said petition should not be excluded from said district, shall be deemed and taken as an assent by him to the exclusion of such tract or tracts of land, or any part thereof, from said district; and the filing of such petition with said board, as aforesaid, shall be deemed and taken as an assent by each and all of such petitioners to the exclusion from such district of the lands mentioned in the petition, or any part thereof. The expenses of giving said notice and of the aforesaid proceedings shall be paid by the person or persons filing such petition.

Sec. 68. If, upon the hearing of any such petition, no evidence or proofs in support thereof be introduced, or if the evidence fail to sustain said petition, or if the board deem it not for the best interests of the district that the lands, or some portion thereof, mentioned in the petition, should be excluded from the district, the board shall order that said petition be denied as to such lands; but if the said board deem it for the best interests of the district that the lands mentioned in the petition, or some portion thereof, be excluded from the district, and if no person interested in the district show cause in writing, why the said lands, or some portion thereof, should not be excluded from the district, or if, having shown cause, withdraws the same, or upon the hearing fails to establish such objections as he may have made, then it shall be the duty of the board to, and it shall forthwith, make an order that the lands mentioned and described in the petition, or some defined portion thereof, be excluded from said district.

Sec. 69. If there be outstanding bonds of the district at the time of the filing of said petition, the holders of such outstanding bonds may give their assent, in writing, to the effect that they severally consent that the lands mentioned in the petition, or such portion thereof as may be excluded from said district by order of said board, may be excluded from the district; and if said lands, or any portion thereof, be thereafter excluded from the district, the lands so excluded shall be released from the lien of such outstand-

ing bonds. The assent must be acknowledged by the several holders of such bonds in the same manner and form as is required in case of a conveyance of land, and the acknowledgment shall have the same force and effect as evidence as the acknowledgment of such conveyance. The assent shall be filed with the board, and must be recorded in the minutes of the board; and said minutes, or a copy thereof, certified by the secretary of said board, shall be admissible in evidence, with the same effect as the said assent, and such certified copy thereof may be recorded in the office of the county recorder of the county wherein said lands are situated.

Sec. 70. In the event the said board of directors shall exclude any lands from said district upon petition therefor, it shall be the duty of the board of directors to make an entry in the minutes of the board, describing the boundaries of the district, should the exclusion of said lands from said district change the boundaries of said district, and for that purpose the board may cause a survey to be made of such portions of the district as the board may deem necessary; and a certified copy of the entry in the minutes of the board excluding any land, certified by the president and secretary of the board, shall be filed for record in the recorder's office of each county within which are situated any of the land of the district; but said district, notwithstanding such exclusion, shall be and remain a drainage district as fully to every intent and purpose as it would be had no change been made in the boundaries of the district, or had the lands excluded therefrom never constituted a portion of the district.

Sec. 71. If the lands excluded from any district under this act shall embrace the greater portion of any division or divisions of such district, then the office of director for such division or divisions shall become and be vacant at the expiration of ten days from the final order of the board excluding said lands; and such vacancy or vacancies shall be filled by appointment by the board of supervisors of the county where the office of such board is situated, from the district at large. A director appointed as above provided, shall hold his office until the next regular election for said district, and until his successor is elected and qualified.

Sec. 72. At least thirty days before the next general election of such district, the board of directors thereof shall make an order dividing said district into three or five divisions, as the case may require, as nearly equal in size as may be practicable, which shall be numbered first, second, third and so on, and one director shall be elected by each division. For the purposes of elections in such district, the said board of directors must establish a convenient number of election precincts, and define the boundaries thereof, which said precincts may be changed from time to time, as the board of directors may deem necessary.

Sec. 73. A guardian, an executor, or an administrator of an estate, who is appointed as such under the laws of this state, and who as such guardian, executor, or administrator, is entitled to the possession of the lands belonging to the estate which he represents, may on behalf of his ward, or the estate which he represents, upon being thereto properly authorized by the proper court, sign and acknowledge the petition in section 65 of this act mentioned, and may show cause, as herein provided, why the boundaries of the district should not be changed.

Sec. 74. Nothing herein provided shall in any manner, operate to release any of the lands so excluded from the district from any obligation to pay, or any lien thereon, of any valid outstanding bonds or other indebtedness of said district at the time of the filing of said petition for the exclusion of said lands, but upon the contrary, said lands shall be held subject to said lien, and answerable and chargeable for and with the payment and discharge of all of said outstanding obligations at the time of the filing of the petition for the exclusion of said land, as fully as though said petition for such exclusion were never filed and said order of exclusion never made; and for the purpose of discharging such outstanding indebtedness, said lands so excluded shall be deemed and considered as part of said drainage district the same as though said petition for its exclusion had never been filed or said order of exclusion never made; and all provisions which may have been resorted to to compel the payment by said lands of its quota or portion of said outstanding obligations, had said exclusion never been accomplished, may, notwithstanding said exclusion, be resorted to to compel

and enforce the payment on the part of said lands of its quota and portion of said outstanding obligations of said drainage district for which it is liable, as herein provided. But said land so excluded shall not be held answerable or chargeable for any obligation of any nature or kind whatever, incurred after the filing with the board of directors of said district of the petition for the exclusion of said lands from the said district; provided, that the provisions of this section shall not apply to any outstanding bonds, the holders of which have assented to the exclusion of such lands from said district, as hereinbefore provided.

Sec. 75. The boundaries of any drainage district now organized or hereafter organized under the provisions of this act may be changed in the manner herein prescribed, but such change of the boundaries of the district shall not impair or affect its organization, or its rights in or to property, or any of its rights or privileges of whatsoever kind or nature; nor shall it affect, impair, or discharge any contract, obligation, lien or charge for or upon which it was or might become liable or chargeable, had such change of its boundaries not been made.

Sec. 76. The holder or holders of title, or evidence of title, representing one half or more of any body of lands adjacent to the boundary of a drainage district, which are contiguous and which taken together, constitute one tract of land, may file with the board of directors of said district a petition, in writing, praying that the boundaries of said district may be so changed as to include therein said lands. The petition shall describe the boundaries of said parcel or tract of land, and shall also describe the boundaries of the several parcels owned by the petitioners, if the petitioners be the owners, respectively, of distinct parcels, but such descriptions need not be more particular than they are required to be when such lands are entered by the county assessor in the assessment book. Such petition must contain the assent of the petitioners to the inclusion within said district of the parcels or tracts of land described in the petition, and of which said petition alleges they are, respectively, the owners; and it must be acknowledged in the same manner that conveyances of land are required to be acknowledged.

Sec. 77. The secretary of the board of directors shall cause a notice of the filing of such petition to be given and

published in the same manner and for the same time that notices of special elections for the issue of bonds are required by this act to be published. The notice shall state the filing of such petition and the names of the petitioners, a description of the lands mentioned in said petition, and the prayer of said petition; and it shall notify all persons interested in, or that may be affected by such change of the boundaries of the district, to appear, at the office of said board, at a time named in said notice, and show cause in writing, if any they have, why the change in the boundaries of said district, as proposed in said petition, should not be made. The time to be specified in the notice at which they shall be required to show cause shall be the regular meeting of the board next after the expiration of the time for the publication of the notice. The petitioners shall advance to the secretary sufficient money to pay the estimated costs of all proceedings arising from such petition.

Sec. 78. The board of directors, at the time and place mentioned in the said notice, or at such other time or times to which the hearing of said petition may be adjourned, shall proceed to hear the petition and all the objections thereto, presented in writing by any person showing cause as aforesaid why said proposed change of the boundaries of the district should not be made. The failure by any person interested in said district, or in the matter of the proposed change of its boundaries, to show cause, in writing, as aforesaid, shall be deemed and taken as an assent on his part to a change of the boundaries of the district as prayed for in said petition, or to such a change thereof as will include a part of said lands. And the filing of such petition with said board, as aforesaid, shall be deemed and taken as an assent on the part of each and all of such petitioners to such a change of said boundaries that they may include the whole or any portion of the lands described in said petition.

Sec. 79. The board of directors to whom such petition is presented, may require, as a condition precedent to the granting of the same, that the petitioners shall severally pay to such district such respective sums, as nearly as the same can be estimated (the several amounts to be determined by the board), as said petitioners or their grantors would have been required to pay to such district

as assessments, had such lands been included in such district at the time the same was originally formed.

Sec. 80. The board of directors, if they deem it not for the best interests of the district that a change of its boundaries be so made as to include therein the lands mentioned in the petition, shall order that the petition be rejected. But if they deem it for the best interests of the district that the boundaries of said district be changed and if no person interested in said district or the proposed change of its boundaries shows cause, in writing, why the proposed change should not be made, or if, having shown cause, withdraws the same, the board may order that the boundaries of the district be so changed as to include therein the lands mentioned in said petition or some part thereof. The order shall describe the boundaries as changed, and shall also describe the entire boundaries of the district as they will be after the change thereof as aforesaid is made; and for that purpose the board may cause a survey to be made of such portions of such boundary as is deemed necessary.

Sec. 81. If any person interested in said district of the proposed change of its boundaries, shall show cause as aforesaid why such boundaries should not be changed, and shall not withdraw the same, and if the board of directors deem it for the best interests of the district that the boundaries thereof be so changed as to include therein the lands mentioned in the petition, or some part thereof, the board shall adopt a resolution to that effect. The resolution shall describe the exterior boundaries of the lands which the board are of the opinion should be included within the boundaries of the district when changed.

Sec. 82. Upon the adoption of the resolution mentioned in the last preceding section, the board shall order that an election be held within said district, to determine whether the boundaries of the district shall be changed as mentioned in said resolution; and shall fix the time at which such election shall be held, and cause notice thereof to be given and published. Such notice shall be given and published, and such election shall be held and conducted, the returns thereof shall be made and canvassed, and the result of the election ascertained and declared, and all things pertaining thereto conducted in the manner pre-

scribed by this act in case of a special election to determine whether bonds of a drainage district shall be issued. The ballots cast at said election shall contain the words "For change of boundary" or "Against change of boundary" or words equivalent thereto. The notice of election shall describe the proposed change of the boundaries in such manner and terms that it can readily be traced.

Sec. 83. If at such election a majority of all the votes cast at said election shall be against such change of the boundaries of the district, the board shall order that said petition be denied, and shall proceed no further in that matter. But if a majority of such votes be in favor of such change of the boundaries of the district, the board shall thereupon order that the boundaries be changed in accordance with said resolution adopted by the board. The said order shall describe the entire boundaries of said district, and for that purpose the board may cause a survey of such portions thereof to be made as the board may deem necessary.

Sec. 84. Upon a change of the boundaries of a district being made, a copy of the order of the board of directors ordering such change, certified by the president and secretary of the board, shall be filed for record in the recorder's office of each county within which are situated any of the lands of the district, and thereupon the district shall be and remain a drainage district, as fully, and to every intent and purpose, as if the lands which are included in the district by the change of the boundaries, as aforesaid, had been included therein at the original organization of the district.

Sec. 85. Upon the filing of the copies of the order, as in the last preceding section mentioned, the secretary shall record in the minutes of the board the petition aforesaid; and the said minutes, or a certified copy thereof, shall be admissible in evidence with the same effect as the petition.

Sec. 86. A guardian, an executor or an administrator of an estate, who is appointed as such under the laws of this state, and who, as such guardian, executor or administrator, is entitled to the possession of the lands belonging to the estate which he represents, may, on behalf of his ward, or the estate which he represents, upon being thereunto authorized by the proper court, sign and

acknowledge the petition in section 76 of this act mentioned and may show cause why the boundaries of the district should not be changed.

Sec. 87. In case of the inclusion of any land within any district by proceedings under this act, the board of directors, must, at least thirty days prior to the next succeeding general election, make an order redividing such district, into three or five divisions, as the case may require, as nearly equal in size as may be practicable, which shall be numbered first, second, third and so on, and one elector shall thereafter be elected by each division. For the purpose of elections, the board of directors must establish a convenient number of election precincts in said districts, and define the boundaries thereof, which said precincts may be changed from time to time as the board may deem necessary.

Sec. 88. Whenever the board of directors of a drainage district heretofore organized, or hereafter organized under the provisions of this act, shall determine that the authorized bonded indebtedness of such drainage district is greater than such district is liable to need to complete its system as planned, and there be no outstanding bonds, the board of directors may call a special election for the purpose of voting upon a proposition to reduce such bonded indebtedness to such sum as the board may determine to be sufficient for such purpose.

Sec. 89. Notice of the said election shall be given in the same manner as provided in section twenty-seven of this act, in relation to calling special elections for issuance of bonds. The notice of election must state the amount of the authorized bonded indebtedness of such district, and the amount to which it is proposed to reduce the same; also, the date on which said election will be held and the polling-places, as established by said board of directors. The ballots cast at said election shall contain the words "For reducing bonds—Yes," or "For reducing bonds—No." When the vote is canvassed by the board of directors and entered of record, if a majority of the votes cast shall be "For reducing bonds—Yes" then in that event the board of directors shall only be empowered to issue or sell the amount of bonds as was stipulated in the said notice of such special election; but if a majority of said votes are not "For reducing bonds—Yes," then the au-

thority to issue bonds shall remain the same as before said special election was held.

Sec. 90. In case there be outstanding bonds of any district desiring to take advantage of the provisions of sections 88 and 89 of this act concerning reduction of bonded indebtedness, the assent of such bondholders may be obtained to such reduction of the bonded indebtedness, in the same manner as provided in section sixty-nine of this act. If such assent is obtained in the manner therein provided, then, and in that event, such district shall be empowered to take advantage of all the provisions of said sections of this act, but not otherwise. No reduction of the bonded indebtedness, as in this act provided shall in any manner affect any order of court that may have been made, adjudicating and confirming the validity of said bonds.

Sec. 91. Whenever there remains in the hands of the board of directors of any drainage district organized under the provisions of this act, after the completion of its drainage system, and the payment of all demands against such district, any bonds voted to be issued by said district, but not sold, and not necessary to be sold for the raising of funds, for the use of such district, said board of directors may call a special election for the purpose of voting upon a proposition to destroy said unsold bonds, or so many of them as may be deemed best, or may submit such proposition at a general election.

Sec. 92. Such election shall be held in the same manner as other elections held under the provisions of this act. A notice of such election shall be given in the same manner as provided in section twenty-seven of this act in relation to calling special elections for the issuance of bonds. The notice of election must state the amount of the bonded indebtedness of such district authorized by the vote of the district, the amount of the bonds remaining unsold, and the amount proposed to be destroyed, and the date on which such election is proposed to be held, and the polling-places as fixed by the board of directors. The ballots to be cast at such election shall contain the words "For destroying bonds—Yes" and "For destroying bonds—No," and the voter must erase the word "No" in case he favors the destruction of bonds, otherwise the word "Yea."

Sec. 93. When the vote is canvassed by the board of directors and entered of record, if a two-thirds majority of the votes cast should be found to be in favor of the destruction of said bonds, then the president of the board, in the presence of a majority of the members of the board, must destroy the bonds so voted to be destroyed, and the total amount of bonds so destroyed and canceled shall be deducted from the sum authorized to be issued by the electors of said district, and no part thereof shall thereafter be reprinted or reissued.

Sec. 94. Nothing in this act shall be so construed as to affect the validity of any district heretofore organized under the laws of this state, or its rights in or to property, or any of its rights or privileges of whatsoever kind or nature; but said districts are hereby made subject to the provisions of this act so far as applicable; nor shall it affect, impair, or discharge any contract obligation, lien, or charge, for or upon which it was or might become liable or chargeable had not this act been passed.

Sec. 95. Nothing in this act shall be construed as repealing or in anywise modifying the provisions of any other act relating to the subject of drainage except such as may be contained in the act entitled "An act to provide for the organization and government of drainage districts, for the drainage of agricultural lands other than swamp and overflowed lands," approved March thirty-first, eighteen hundred and ninety-seven, and any subsequent acts supplementary thereto, or amendatory thereof, all of which acts, so far as they may be inconsistent herewith, are hereby repealed.

Sec. 96. This act shall take effect from and after its passage and approval.

TITLE 141.

EL DORADO COUNTY.

ACT 992.

Protection of agriculture in, and prevention of animals from trespassing. [Stats. 1875-6, p. 356.]

Repealed 1877-8, 557.

ACT 993.

Authorizing assessor to appoint one or more deputies. [Stats. 1877-8, p. 110.]

Repealed by County Government Act, 1897, 549, sec. 190.

ACT 994.

Board of auditors of, creating and prescribing powers of.
[Stats. 1873-4, p. 825.]

Amended 1875-6, 681; 1877-8, 281. Superseded by County Government Act, 1897, 452.

ACT 995.

For the funding of the bonded indebtedness of. [Stats.
1877-8, p. 1046.]

ACT 996.

Lawful fences in. [Stats. 1869-70, p. 584.]

ACT 997.

Mud Springs township, trespassing of animals upon private
property in. [Stats. 1873-4, p. 859.]

"Modified and probably repealed by estray law, 1897, 198; 1901,
603."—Code Commissioners' note.

ACT 998.

Improvement of roads in. [Stats. 1877-8, p. 545.]

Repealed 1883, 5, chap. X, sec. 2.

ACT 999.

Roads and highways in. [Stats. 1871-2, p. 372.]

Amended 1873-4, 771. Repealed 1883, p. 5, chap. X, sec. 2.

ACT 1000.

Fixing the salaries of certain officers in. [Stats. 1877-
8, p. 778.]

Repealed by County Government Act, 1897, 549, sec. 190.

ACT 1001.

Regulating fees and salaries in. [Stats. 1869-70, p. 198.]

Amended 1869-70, 747; 1871-2, 412, 592, 894; 1873-4, 710.

"Repealed as to the fees and salaries therein named by the
various County Government Acts and the fee bill of 1895, 267."—
Code Commissioners' note.

ACT 1002.

Supervisors, organizing board of, and defining duties of.
[Stats. 1873-4, p. 872.]

Repealed by County Government Act, 1897, 452.

ACT 1003.

Authorizing supervisors to levy a special tax. [Stats.
1871-2, p. 793.]

Superseded by subd. 18, sec. 25, County Government Act,
1897, 463.

ACT 1004.

Levy of taxes for county purposes and for redemption of bonded indebtedness of. [Stats. 1877-8, p. 75.]

ACT 1005.

Disposition of proceeds of poll taxes in. [Stats. 1873-4, p. 941.]

Repealed by Political Code, sec. 3861.

ACT 1006.

Treasurer of to transfer certain funds. [Stats. 1875-6, p. 311.]

Amended 1877-8, 638. Superseded by subd. 18, sec. 25, County Government Act, 1897, 463.

ACT 1007.

Providing for election of treasurer and collector and fixing their compensation. [Stats. 1871-2, p. 377.]

Superseded by County Government Act, 1897, 452, secs. 55, 190.

TITLE 142.**ELECTIONS.****ACT 1012.**

Providing for general primary elections, to promote the purity thereof by regulating the conduct thereof and to support the privilege of free suffrage thereat by prohibiting certain acts and practices in relation thereto and providing for the punishment thereof and for other purposes. [Stats. 1897, p. 115.]

Cal.Rep.Cit. 118, 302; 129, 340.

Unconstitutional. (Spier v. Baker, 120 Cal. 370.)

Primary elections: See Political Code, secs. 1357-1380.

ACT 1013.

Providing for a general primary election in counties of certain classes. [Stats. 1895, p. 207.]

"Unconstitutional. (Marsh v. Hanly, 111 Cal. 368.) Superseded by Political Code, secs. 1357-1375, added 1901, 606."—Code Commissioners' note.

ACT 1014.

In relation to elections held under the authority of section 8, art. XI, of the Constitution, to elect boards of freeholders, or to vote upon proposed charters, or upon amendments to existing charters. [Stats. 1897, p. 288.]

Repealed 1899, 63.

Cal.Rep.Cit. 126, 392.

ACT 1015.

To promote the purity of elections by regulating the conduct thereof, and to support the privilege of free suffrage by prohibiting certain acts and privileges in relation thereto, and providing for the punishment thereof. [Stats. 1893, p. 12.]

Amended 1895, 227.

This act appears in full in Political Code, Appendix, p. 1044.

"Unconstitutional in so far as it requires an oath of a successful candidate for office, in addition to that prescribed by the constitution. (Bradley v. Clark, 133 Cal. 196.)"—Code Commissioners' note.

ACT 1016.

Intoxicating liquors, preventing sale of on election days. [Stats. 1873-4, p. 297.]

ACT 1017.

Election tickets, to prevent circulation of bogus, and to prevent frauds upon voters. [Stats. 1877-8, p. 180.]

Amended 1889, 209. Repealed by Political Code, secs. 1196, 1197.

ACT 1018.

Piece clubs, prohibition of. [Stats. 1877-8, p. 236.]

"Modified, if not repealed, by the purity of elections act, 1893, 12."—Code Commissioners' note.

In full in Appendix to Penal Code, p. 589.

ACT 1019.

Concerning special elections. [Stats. 1877-8, p. 73.]

Cal.Rep.Cit. 130, 94.

"Not repealed, but not applicable to existing laws, because there is now no great register. As to cities, see 1899, 63."—Code Commissioners' note.

In full in Appendix to Political Code, p. 1067.

ACT 1020.

Creating a state commission in voting or balloting machines, defining their powers, and providing for the use at the option of indicated local authorities of voting or ballot machines for receiving and registering the vote in one or more precincts of any county, or city and county, city or town, at any or all elections held therein, and for ascertaining the result at such elections; and providing for the punishment of all violations of the provisions of this act. [Stats. 1903, p. 262.]

This act appears in full in Political Code, Appendix, p. 1068.

TITLE 143.

ELISORS.

ACT 1026.

Fees of. [Stats. 1873-4, 794.]

Superseded by County Government Acts, 1897, 481, sec. 105.

TITLE 144.

EMIGRATION.

ACT 1031.

An act to promote emigration from the state of California.
[Approved March 26, 1880; 1880, 15 (Ban. ed. 50).]

To promote emigration from the state.

Section 1. It shall be unlawful for the owners, officers, agents, or employees of any steamship company, sailing vessel, or railroad company, or firm or corporation, that may be engaged in this state in the transportation of passengers to and from any foreign port, to withhold or refuse any person or persons the right to purchase a passage ticket or tickets to any foreign country for the reason that he or they have not presented a certificate, card, or other document whatsoever showing that such person has paid in full, or in part, any or all dues, debts, or demands, or otherwise, or any sum whatsoever, to any society, company, corporation, association, or individual, or firm; and any person or corporation who shall violate the provisions of this section, or in pursuance of any agreement, oral or written, refuse to sell a passage ticket to any person to any foreign country, shall be guilty of a misdemeanor, and upon conviction, shall be punished by a fine of not less than one hundred nor more than five hundred dollars; provided, that nothing in this section shall be construed in any manner to apply to any passport or other document required by law to be presented, having the signature or seal of any foreign consul resident within this state.

Sec. 2. This act shall take effect on and after its passage.

TITLE 145.

EMPLOYMENT AGENTS.

ACT 1036.

Defining the duties and liabilities of employment agents, making the violation thereof a misdemeanor and fix-

ing penalties therefor. [Approved February 13, 1903. Stats. 1903, 14.]

This act appears in full in the Appendix to the Penal Code, p. 592.

TITLE 146.

ESCAPE.

ACT 1041.

Concerning the escape of convicts of the state's prison. [Stats. 1855, 203.]

This act related to the arrest, trial, recommitment, and punishment of convicts who had escaped.

Superseded by Penal Code, secs. 105-111.

TITLE 147.

ESCHEAT.

ACT 1042.

Concerning escheated estates. [Stats. 1852, 103.]

Amended 1855, 221; 1862, 27; 1869-70, 72. Superseded by Code of Civil Procedure, secs. 1269-1272.

ACT 1047.

To provide for the sale of escheated estates. [Stats. 1867-8, 215.]

Superseded by Code of Civil Procedure, secs. 1269-1272.

TITLE 148.

ESTATES OF DECEASED PERSONS.

ACT 1052.

Estates of deceased persons, collection of savings bank deposits by next of kin. [Stats. 1873-4, p. 132.]

Amended in every section, 1895, 32.

This act appears in full in Code of Civil Procedure, Appendix, p. 767.

ACT 1053.

Estates of deceased persons, regulating settlement of, supplementing act of May 1, 1851. [Stats. 1871-2, p. 696.]

Repealed by Code of Civil Procedure, sec. 1632.

Cal.Rep.Cit. 52, 188; 53, 350; 66, 57; 71, 73.

This act appears in full in Code of Civil Procedure, Appendix, p. 768. It provided for the allowance of claims paid without legal formalities.

ACT 1054.

To provide for the summary sale of mines or mining interests belonging to estates of deceased persons. [Stats. 1865-6, 359.]

Superseded by Code of Civil Procedure, secs. 1529-1533.

ACT 1055.

Authorizing certain corporations to act as executor, administrator, guardian, assignee, receiver, depository or trustee, and in other capacities and to provide for and regulate the administration of trusts by such corporations. [Stats. 1891, 490.]

Amended 1897, 424; 1903, 244.

This act appears in full in the Appendix to the Civil Code, p. 702. It authorized deposits to be made with such corporations and the reduction of the bond of an executor, guardian, etc., depositing with such corporation.

TITLE 149.**ESTRAYS.****ACT 1060.**

An act relating to estrays, providing for taking them up and giving a lien on them for all damages, costs, and expenses incurred by reason of taking them up, and repealing all other acts and parts of acts now in force relating to estrays.

[Approved March 23, 1901. Stats. 1901, 603.]

The people of the state of California, represented in senate and assembly, do enact as follows:

Section 1. Any person finding at any time any estray domestic animal or animals upon his premises, or upon premises to which he has the right of possession, or upon highways adjacent thereto, may take up the same and have a lien thereon for all expenses incurred and costs in keeping and caring for said animal or animals, as hereinafter provided; and no person shall remove them from the possession of the taker-up, or from the possession of the officer to whom they may have been delivered, except as hereinafter provided.

Sec. 2. Any person taking up an estray animal or animals shall confine the same in a secure place, and within five days file with the county recorder of the county in which such estray is found, a notice containing a descrip-

tion of the animal or animals taken up, with the marks and brands, if they have any, together with the probable value of each animal, and a statement of the place where the taker-up found, and where he has confined the same. The county recorder shall receive for filing said notice the sum of fifty cents.

Sec. 3. At any time within thirty days from the date of the filing of the notice specified in section two of this act, any person claiming such estray animal or animals shall appear and demand from the taker-up the possession thereof, and shall, at the same time, pay to the taker-up all damages, expenses and costs incurred by reason of taking up such animal or animals, and upon receiving such damages, expenses and costs, the taker-up shall immediately deliver to the party claiming such animal or animals the possession thereof. Such damages, expenses and costs shall be estimated as follows, to wit:

1. The total amount paid by the taker-up to the county recorder;

2. The sum of fifteen cents per day for the keeping and care of each horse, mule, jenny, ass, cow, bull, ox, steer, or calf;

3. The sum of five cents per day for the keeping and care of each sheep, goat, hog, or other animal not hereinbefore specified; provided, that the taker-up of said animal or animals must properly feed and water the same while under his care; and if he fail so to do shall forfeit all right of lien thereon.

Sec. 4. If the party claiming such estray animal or animals is dissatisfied with the amount charged by the taker-up for costs and expenses, he shall tender to the taker-up the proper amount therefor, and if the said tender be refused, the party claiming such estray animal or animals shall within ten days thereafter commence, in the proper court, suit against the taker up for the recovery of the possession of such estray animal or animals, in which said action the taker-up may set forth his expenses and costs, and said matter, together with accruing expenses and costs to the time of the entry of the judgment, shall be determined by the court in accordance with the provisions of this act, and the amount of all such expenses and costs, and the costs of said ac-

tion shall be included in any judgment awarded by said court, and such costs in said action shall be in favor of the plaintiff in said action and against said defendant, if the court shall find that the amount tendered by the plaintiff to the defendant was not less than the proper amount; otherwise said costs shall be in favor of the defendant and against the plaintiff. Without the consent of defendant in any such action, no return of such animal or animals shall be adjudged until the plaintiff shall pay to defendant or deposit in court payable to him, the amount of all such expenses and costs in said action; and in case such payment or deposit be not made within ten days after the same shall have been determined by the court, or said action be not prosecuted with diligence, then the said action may be dismissed on motion of defendant without notice; in case of such dismissal, the defendant shall have judgment for his costs. In any such action for plaintiff to recover, it shall be incumbent on him to establish an existing right in himself to the possession of such animal or animals.

Sec. 5. If no person appears and claims the animal or animals taken up within thirty days after the filing of the notice hereinbefore mentioned in section three of this act; or if a person does appear and claim the animal or animals taken up within thirty days after the filing of the notice above referred to, but shall fail to pay to the taker-up the expenses and costs as provided in section three of this act, and shall fail to commence and prosecute with diligence an action for the recovery of the possession of such stray animal or animals within the time required by section four of this act; or if said action shall be dismissed; then the taker-up shall, in writing, notify a constable, or other officer of the township or county in which said animal or animals are held, which notice shall specify that he has complied with all the provisions of this act, and that a claimant of said animal or animals has failed to appear and claim the same as herein provided, or if he has appeared that he has failed to pay the expenses and costs and has failed to commence or prosecute with diligence an action for the recovery of the possession of such animal or animals within the time and in the manner provided for in this act, or that said action has been dismissed, and that such ani-

mal or animals are held by him subject to sale. Said constable, or officer, shall immediately proceed to sell such animal or animals at public sale, in conformity with the law concerning sales on execution, and shall be entitled to the same fees as are provided by law for sales under execution.

Sec. 6. Out of the money realized from the sale of estrays, the constable or other officer shall first retain his fees; he shall then pay to the taker-up his expenses and costs estimated as provided in section three of this act, or so much thereof as the funds in his hands will permit, and the surplus, if any, he shall pay to the county treasurer, to be held by him for the owner of the stray or estrays for which it was received in payment. If any person or persons shall, within one year thereafter, prove to the satisfaction of the board of supervisors of the county in which the stray or estrays were sold, that he or they are entitled to the sum so held by the county treasurer, or any part thereof, the said board of supervisors shall order such sum to be paid over to the person or persons; and if not so proven within one year, then the same shall become a part of the common school fund of said county.

Sec. 7. All sales made by any constable, or other officer, under the provisions of this act, shall convey a good and valid title to the purchaser, and the owner of the stray or estrays so sold shall thereafter be barred from all right to recover the same.

Sec. 8. The taker-up of an stray animal or animals shall use reasonable care to preserve the same from injury, but if an stray animal or animals die or escape from the possession of the taker-up at any time while he is holding the same under the provisions of this act, the taker-up shall not be held liable in any manner on account of such animal or animals.

Sec. 9. Nothing in this act shall affect the laws or regulations in force or which may be in force regarding estrays, the poundkeeper, or other pound officer within the limits of any city or town where laws regarding estrays are in force.

Sec. 10. All other acts and parts of acts relating to estrays now in force, are hereby repealed.

Sec. 11. This act shall take effect from and after its passage.

This act and the act of 1897, 198, repealed all prior acts relating to estrays. Many of these acts are here enumerated. For acts relating to any particular county, see the particular county.

ACT 1061.

To prevent the trespassing of animals upon private property. [Stats. 1855, 70.]

Acts relating to trespassing animals were continued in force by Political Code, sec. 19. This act was however repealed by the general repealing clauses in the acts of 1897, 198, and 1901, 603.

ACT 1062.

Concerning stray animals. [Stats. 1856, 186.]

See note to act 1061.

ACT 1063.

To prevent stallions from running at large in Sacramento County. [Stats. 1859, p. 149.]

"Extended and amended 1860, 107; 1865-6, 327; 1867-8, 70; 1869-70, 68; 1873-4, 228. As to penal clauses, repealed by sec. 6, Penal Code; and as to other provisions, probably repealed by stray law of 1897, p. 198, and 1901, p. 603."—Code Commissioners' note.

This act was extended by later acts to the following counties: Sutter, Alameda, Yuba, El Dorado, Placer, Santa Cruz, Calaveras, Amador, Santa Clara, Mariposa, Merced, Yolo, Stanislaus, Butte, Mendocino, Shasta, Colusa, Tehama, Sonoma, Siskiyou, Plumas, Sierra, Monterey, San Mateo, Sonoma, Nevada, Alpine, and Mono.

ACT 1064.

Trespassing animals in the counties of Los Angeles, San Diego, and Monterey. [Stats. 1871-2, p. 99.]

Amended 1871-2, 241. Repealed as to Monterey County, 1871-2, 566. Extended to Inyo County, 1871-2, 668, chap. CDL. Repealed 1897, 198, and 1901, 603, relating to estrays.

ACT 1065.

Preventing hogs running at large in Susanville, Lassen County, Sutter Creek township number two, Amador County, and Oroville, Butte County. [Stats. 1871-2, p. 510.]

See statute of 1897, 198, sec. 9.

ACT 1066.

To protect agriculture and prevent trespassing of animals on private property. [Stats. 1871-2, p. 563.]

Probably superseded by 1897, 198; 1901, 603, chap. CXCVII, relating to estrays.

ACT 1007.

Protecting agriculture and preventing trespassing of animals. [Stats. 1873-4, p. 50.]

Supplemented 1873-4, 179, 474, 705, 824.

Cal.Rep.Cit. 51, 298; 58, 146.

"Unconstitutional, in so far as it authorizes justices to enforce a lien. (Young v. Wright, 52 Cal. 407; Sutherland v. Sween, 53 Cal. 48.) Repealed 1877-8, 176. (Hanley v. Sixteen Horses, 97 Cal. 182.)"—Code Commissioners' note.

ACT 1008.

Hogs running at large in certain towns. [Stats. 1873-4, p. 904.]

Repealed 1897, 198.

This act prevented hogs running at large upon lands included in any townsite which had received a patent under congressional grant.

ACT 1009.

Stanislaus, Fresno, and Sutter counties, protection of agriculture in, and prevention of trespassing of animals upon private property. [Stats. 1875-6, p. 373.]

Repealed 1897, 198.

ACT 1070.

To prevent hogs and goats running at large on certain lands. [Stats. 1875-6, p. 644.]

Amended 1877-8, 85. Superseded 1897, 198.

This act forbade the running at large upon any townsite receiving patents under act of congress.

ACT 1071.

Concerning trespassing of animals upon private lands in certain counties. [Stats. 1877-8, p. 176.]

Amended 1877-8, 878. Superseded by the estray laws of 1897, 198, and 1901, 608.

This act applied to parts of San Bernardino, El Dorado, and Tehama counties, and to all of Alpine, Humboldt, Merced, Solano, Santa Barbara, San Joaquin, San Luis Obispo, and Sacramento counties.

ACT 1072.

Buck goats, to prevent running at large. [Stats. 1877-8, p. 437.]

Probably superseded by estray acts of 1897, 198, and 1901, 608.

ACT 1073.

Relating to estrays, and repealing all other acts and parts of acts now in force relating to estrays. [Stat. approved March 27, 1897. Stats. 1897, 198.]

Repealed 1901, 606.

TITLE 150.

ETNA.

ACT 1078.

Town of, incorporating. [Stats. 1877-8, p. 261.]

See title Rough and Ready, post.

TITLE 151.

EUREKA.

ACT 1083.

To incorporate. [Stats. 1859, 192.]

Amended 1862, 55; 1863-4, 165; 1871-2, 186; 1873-4, 91.

Supplemented 1875-6, 333. Amended 1875-6, 334.

Superseded by the charter of Eureka, Stats 1895, 356-405.

ACT 1084.

Incorporation of. [Stats. 1873-4, p. 91.]

Supplemented 1875-6, 333. Amended 1875-6, 334. Repealed by charter of Eureka 1895, 356.

ACT 1085.

To legalize the survey of Clark's addition to. [Stats. 1869-70, 395.]

ACT 1086.

To cede property to Eureka. [Stats. 1857, p. 76.]

This act ceded to Eureka the entire water-front of the town.

ACT 1087.

Common council of to sit as a board of equalization. [Stats. 1877-8, p. 184.]

Superseded by charter of Eureka, 1895, 356.

ACT 1088.

To establish a police court in. [Stats. 1895, p. 90.]

Superseded by charter, 1895, 376.

TITLE 152.

EXPLOSIVES.

ACT 1093.

An act to protect life and property against the careless and malicious use or handling of dynamite and other explosives.

[Approved March 12, 1887; 1887, 110.]

Keep record of sales.

Section 1. It is the duty of each and every person, contractor, firm, association, joint stock company, and

corporation, manufacturing, storing, selling, transferring, disposing of, or in any manner dealing in or with, or using or giving out, nitro-glycerine, dynamite, vigorite, hercules powder, giant powder, or other high explosive, by whatever name known, to keep at all times an accurate journal, or book of record, in which must be entered, from time to time, as they are made, each and every sale, delivery, transfer, gift, or other disposition made by such person, firm, association, joint stock company, or corporation, in the course of business or otherwise, of any quantity of such explosive substance.

What record must show.

Sec. 2. Such journal or record book must show, in a legible handwriting to be entered therein at the time, a complete history of each transaction, stating the name and quantity of the explosive sold, delivered, given away, transferred, or otherwise disposed of; the name, place of residence, or business of the purchaser or transferee; the name of the individual to whom delivered, with his or her address, with a description of such individual sufficient to provide for identification.

Records subject to examination of peace officer.

Sec. 3. Such journal or record book must be kept, by the person, firm, association, joint stock company, or corporation so selling, delivering, or otherwise disposing of such explosive substance or substances, in his or their principal office or place of business, at all times subject to the inspection and examination of the peace officers or other police authorities of the state, county, city and county, or municipality where the same is situated, on proper demand made therefor; any failure or neglect to keep such book, or to make the proper entries therein at the time of the transaction, as herein provided, or to exhibit the same to the peace officers or other police authorities on demand, shall be deemed a misdemeanor, and punished accordingly.

Forfeiture in addition to punishment.

Sec. 4. In addition to such punishment, and as a cumulative penalty, such person, firm, association, joint stock company, or corporation so offending, shall forfeit, for each offense, the sum of two hundred and fifty dollars, to be recovered in any court of competent jurisdiction, by

action at law. The party so instituting such actions shall not be entitled to dismiss the same without consent of the court before which the suit has been instituted. Nor shall any judgment recovered be settled, satisfied, or discharged, save by order of such court, after full payment into court, and all moneys so collected shall be paid to the party bringing the suit.

Prohibiting reckless possession of explosives.

Sec. 5. Any person who, in the public street or any highway of any county, city and county, city, or town or city, or at, in, or near to any theater, hall, public or private school, or college, church, hotel, or other public building, or at, in, or near to any private habitation or in, on board of, or near any railway passenger train, or car or train, or cable road, or car of the same, or steam or other vessel, engaged in carrying passengers, or ferryboat, or other public place where human beings ordinarily pass and repass, shall recklessly or maliciously have in his or her possession any dynamite, nitro-glycerine, vigorite, hercules powder, giant powder, or other high explosive; or who shall recklessly or maliciously by use of such means intimidate, terrify, or endanger any human being, is guilty of a felony, and on conviction shall be punished accordingly.

Defining reckless possession.

Sec. 6. Any person not regularly engaged in the manufacture, sale, transportation, or legitimate use in blasting operations, or in the arts, of such substances as are named in this act, shall be presumed (*prima facie*) to be guilty of a reckless and malicious possession thereof, within the meaning of the foregoing section, if any such substance is found upon him, or in his possession, in any of the places, or under any of the circumstances specified in the preceding section.

Punishment for unlawful possession.

Sec. 7. No person may knowingly keep or have in his or her possession any dynamite, vigorite, nitro-glycerine, giant powder, hercules powder, or other high explosive, except in the regular course of business carried on by such person, either as a manufacturer thereof or merchant dealing in the same, or for use in legitimate blasting operations, or in the arts, or while engaged in trans-

porting the same for others, or as the agent or employee of others engaged in the course of such business or operations. Any other possession of any such explosive substances as are named in this act is unlawful; and the person so unlawfully possessing it shall be punished by imprisonment in the state prison not exceeding five years, or by fine not exceeding five thousand dollars, or by both such fine and imprisonment.

Malicious deposit.

Sec. 8. Any person who maliciously deposits or explodes, or who attempts to explode, at, in, under, or near any building, vessel, or boat, railroad, tramroad, or cable road, or any train or car, or any depot, stable, car-house, theater, schoolhouse, church, dwelling-house, or other place where human beings usually inhabit, assemble, frequent, or pass and repass, any dynamite, nitro-glycerine, vigorite, giant or hercules powder, gunpowder, or other chemical compound, or other explosive, with the intent to injure or destroy such building, vessel, boat, or other structure, or with the intent to injure, intimidate, or terrify any human being, or by means of which any human being is injured or endangered, is guilty of a felony, and on conviction thereof shall be punished by imprisonment in the state prison not less than one year.

Transportation of high explosives.

Sec. 9. Any person, firm, or corporation, who shall take, carry, or transport, or cause to be taken, carried, or transported, any dynamite, vigorite, nitro-glycerine, hercules or giant powder, or other high explosive, into the limits of, or through, or across any incorporated city or town of this state, or into, through, or across any harbor for shipping, in any manner, condition, or quantity, or otherwise, in violation of the laws or ordinances of such city or town, or of the laws or regulations governing such harbor, shall, in addition to the penalties provided or imposed by such laws, ordinances, or regulations, forfeit to the state of California all such explosive substances, as well as the cases inclosing the same. Such forfeiture may be sued for by any citizen of the state, for himself and the state; and the goods or property, when so forfeited and recovered by judgment of the court, shall be sold, and the proceeds divided, the citizen so suing taking one half to

For administering each oath, without certificate, except in a pending action or proceeding, ten cents.

For taking any affidavit, except in criminal cases, twenty-five cents.

For taking and approving each undertaking, and the justification thereof, except in criminal cases, fifty cents.

For searching records or files, for each year, fifty cents.

For taking acknowledgment of any deed or other instrument, including the certificate, fifty cents.

For filing notices of appeal and appeal bonds, each, twenty-five cents.

SHERIFF.

For serving any process, writ, order or paper, except as hereinafter provided, required by law to be served by the sheriff, fifty cents.

For serving a writ of attachment, execution or order for the delivery of personal property, one dollar.

For taking any bond or undertaking, fifty cents.

For serving an attachment or execution on any ship, boat or vessel, three dollars.

For keeping and caring for property under attachment or execution, such sum as the court may fix; provided, that no greater sum than two dollars per day shall be allowed to a keeper when necessarily employed.

For a copy of any writ, process or paper actually made by him, when required or demanded according to law, per folio, ten cents; provided, that when correct copies are furnished to him for use, no charge shall be made for such copies.

For advertising sale of property and posting notice, exclusive of cost of publication, or furnishing notice for publication, each, fifty cents.

For publication of notice in newspaper, the reasonable cost of publication, subject to the approval of the court.

For serving writ of possession or restitution, putting a person in possession of the premises and removing the occupant, one dollar and fifty cents.

For subpoenaing witness, including copy of subpoena, each, twenty-five cents.

For summoning trial jury of twelve or less, two dollars; for each additional juror, ten cents.

For traveling in the service of any paper required by

law to be served, for each mile actually and necessarily traveled, one way only, fifteen cents, when such travel can be made by rail; in other cases, twenty-five cents. No constructive mileage to be allowed.

For collecting money on execution, with or without levy, one per cent on the first thousand dollars or less, and one half of one per cent on all sums over one thousand dollars.

For executing and delivering sheriff's deed, one dollar and fifty cents.

For executing and delivering certificate of sale, fifty cents.

For transporting prisoners to the county jail, the actual cost of such transportation.

For executing and delivering any other instrument, ten cents per folio.

RECORDER.

For recording every instrument, paper or notice required by law to be recorded, per folio, ten cents.

For indexing every instrument, paper or notice, for each name, ten cents.

For filing every instrument for record and making the necessary entries thereon, twenty cents.

For each certificate under seal, twenty-five cents.

For every entry of discharge, credit or release on the margin of record, and indexing same, twenty-five cents.

For searching the records of his office, for each year, fifty cents.

For abstract of title, for each conveyance or incumbrance, twenty-five cents.

For recording each map or plat where the same is copied in a book of record, for each course, ten cents.

For recording each map or plat where the same is not copied in a book of record, fifty cents.

For figures or letters on maps or plats, per folio, ten cents; provided, that the fees for recording any map shall not exceed fifty dollars.

For taking acknowledgment of any instrument, fifty cents.

For recording marriage license and certificate, to be paid by the county clerk, one dollar.

For recording transcript and all services in estray cases, one dollar.

For recording each mark or brand, fifty cents.

For administering each oath or affirmation and certifying the same, twenty-five cents.

For filing, indexing and keeping each paper not required by law to be recorded, twenty-five cents.

The clerk, sheriff and recorder shall account for all fees in this section provided for, and the clerk, sheriff and recorder, unless otherwise provided by law, shall pay the same to the county treasurer on the first Monday of the month following their collection, as provided in this act.

CONSTABLES AND MARSHALS.

For serving summons and complaint, for each defendant served, fifty cents.

For each copy of summons for service, when made by him, twenty-five cents.

For levying writ of attachment or execution, or executing order of arrest or for the delivery of personal property, one dollar.

For serving writ of attachment or execution on any ship, boat or vessel, three dollars.

For keeping personal property, such sum as the court may order; but no more than two dollars per day shall be allowed for a keeper when necessarily employed.

For taking bond or undertaking, fifty cents.

For copies of writs and other papers, except summons, complaint and subpoenas, per folio, ten cents; provided, that when correct copies are furnished him for use, no charge shall be made for such copies.

For serving any writ, notice or order, except summons, complaint or subpoenas, for each person served, fifty cents.

For writing and posting each notice of sale of property, twenty-five cents.

For furnishing notice for publication, twenty-five cents.

For serving subpoenas, each witness, including copy, twenty-five cents.

For collecting money on execution, one and one half per cent.

For executing and delivering certificate of sale, fifty cents.

For executing and delivering constable's deed, one dollar and fifty cents.

For each mile actually traveled within his township in the service of any writ, order, or paper, except a warrant of arrest, in going only, per mile, twenty-five cents.

For traveling outside of his township to serve such writ, order, or paper, in going only, fifteen cents; provided, that a constable shall not be required to travel outside of his township to serve any civil process, order, or paper. No constructive mileage allowed.

For each mile necessarily traveled within his county in executing a warrant of arrest, both in going and returning from place of arrest, fifteen cents.

For each mile traveled out of his county, both going and returning from place of arrest, five cents; provided, that no mileage shall be charged for a warrant of arrest or criminal process served outside of his township, except such service be approved in writing by the district attorney of the county; and provided further, than for traveling in the performance of two or more official services at the same time, including the service of civil process or criminal warrants, or transportation of persons charged or convicted of a criminal offense, but one mileage shall be charged; provided, that in criminal cases he shall not receive more than one hundred dollars in any one month, and not more than one thousand dollars in any one year.

For executing a search warrant, such fees and mileage as may be allowed for executing warrant of arrest.

For arresting prisoner and bringing him into court, one dollar.

For summoning a jury, two dollars, including mileage.

For transporting prisoners to the county jail, the actual cost of such transportation.

Provided, that the board of supervisors may reject all bills presented to the county by justices of the peace and constables for fees in criminal cases in all cases of proceedings in which the district attorney has not, in writing, approved the issuance of the warrant of arrest.

County officers must, and township officers may, demand the payment of all fees in civil cases, in advance.

JUSTICES OF THE PEACE.

Justices of the peace may, for their own use, collect the following fees, and no others:

Each justice of the peace shall be allowed, in a civil action before him, for all services to be performed by him before trial, two dollars; and for the trial and all proceedings subsequent thereto, including all affidavits, swearing witnesses and jury, and the entry of judgment and issue of execution thereon, three dollars; and in all cases where judgment is rendered by default or confession, for all services, including execution and satisfaction of judgment, two dollars.

For all services in a criminal action or proceeding, whether on examination or trial, three dollars; provided, however, that no more than the sum of seventy-five dollars in any one month shall be allowed out of the county treasury, in misdemeanor cases, to any one justice.

For taking bail after commitment by another magistrate, fifty cents.

For certificate and transmitting transcript and papers on appeal, one dollar.

For copies of papers on docket, per folio, ten cents.

For issuing a search warrant, to be paid by the party demanding the same, fifty cents.

For celebrating a marriage, and returning a certificate thereof to the county recorder, three dollars.

For taking an acknowledgment of any instrument, for the first name, fifty cents; for each additional name, twenty-five cents.

For taking depositions, per folio, fifteen cents.

For administering an oath, and certifying the same, twenty-five cents.

For issuing a commission to take testimony, fifty cents.

For all services connected with the posting of estrays, one dollar.

In cases before the justice of the peace, when the venue shall be changed, the justice before whom the action shall be brought, for all services rendered, including the making up and transmission of the transcript and papers, shall receive one dollar; and the justice before whom the trial shall take place shall receive the same fees as if the action had been commenced before him.

For performing the duties of coroner, when the coroner fails to act, the same fees and mileage as are allowed the coroner in like cases.

For issuing each process, writ, order, or paper required by law to be issued not otherwise herein provided for, twenty-five cents.

For administering oath or affirmation not otherwise herein provided for, ten cents.

For each certificate or affidavit not otherwise herein provided for, twenty-five cents.

For taking and approving bond or undertaking, including the justification of sureties, fifty cents.

19. Jurors' and witness' fees shall be as follows:

JURORS' FEES.

For attending as a grand juror or juror in the superior court, for each day's attendance, per day, two dollars.

For attending justice's court, for each juror sworn to try the cause, per day, in civil cases only, two dollars.

For each mile actually traveled in attending court, as a juror, except in criminal cases in justice's court, for which no allowance shall be made, in going only, per mile, fifteen cents.

WITNESS' FEES.

For each day's actual attendance, when legally required to attend upon the superior court, per day, two dollars in civil cases, and one dollar and fifty cents in criminal cases.

Mileage actually traveled, one way only, per mile, ten cents; provided, however, that in criminal cases, such per diem and mileage shall only be allowed upon a showing to the court, by the witness, that the same are necessary for the expenses of the witness in attending, and the court shall determine the necessity for the same, and may disallow any fees to a witness unnecessarily subpoenaed.

For each day's attendance upon justice's court, in civil cases only, when legally required to attend, per day, one dollar.

For each mile actually traveled, in civil cases only, in justice's court, in going only, ten cents.

Witnesses in civil cases may demand the payment of their mileage and fees for one day in advance, and when

so demanded shall not be compelled to attend until the same shall have been paid.

CORONERS.

Coroners may, for their own use, collect the following fees, and no others:

For general services in holding an inquest, ten dollars.

For each witness subpoenaed, twenty-five cents.

For each mile necessarily traveled in going to the place of the inquest, twenty-five cents.

For directing or attending the interment of each body upon which an inquest has been held, two dollars; which fees shall be all that he shall be entitled to charge.

When acting as or in the place of the sheriff, the same fees as are allowed the sheriff for like services.

PUBLIC ADMINISTRATOR.

The public administrator shall charge and collect such fees as are now or may hereafter be allowed by law.

COUNTY SURVEYOR.

The county surveyor shall charge and collect such fees as are now or may hereafter be allowed by law.

Sec. 2. No fees or other compensation shall be paid for certificate of declaration to become a citizen of the United States, and for making a record thereof, or for issuing a certificate of citizenship to become a citizen of the United States, or for making a record thereof; and no fees or other compensation shall be paid for filing the statement and affidavit of a committee or candidate voted for at any public election held within the state; and this section shall apply to all the counties in this state.

Sec. 3. All acts or portions of acts inconsistent herewith are hereby repealed.

Sec. 4. This act shall take effect immediately.

ACT 1124.

An act for the payment of the fees due to trial jurors, who have served as such in the superior court of any county or city and county of this state, under the act of 1895.

[Approved March 23, 1901. Stats. 1901, p. 684.]

The people of the state of California, represented in senate and assembly, do enact as follows:

Section 1. All persons who have attended as jurors in the trial of criminal cases in the superior court of any county or city and county of this state, since the act of March twenty-eighth, eighteen hundred and ninety-five, and pursuant thereto, and have not been paid the fees specified in said act therefor, shall receive and be paid out of the general fund of such county or city and county, the sum of two dollars per day for each day's attendance as such juror.

Sec. 2. Such fees shall be paid by the treasurer of such county or city and county, out of the general fund thereof, upon the presentation of a written demand sworn to by the juror and certified as correct by the clerk of the court wherein said services were rendered; said demand so sworn to and certified must contain the title of the action wherein such services were rendered, the days and dates of service, and the amount due the person therein named.

Sec. 3. The demands for compensation for services rendered as such juror mentioned in section two of this act shall be allowed and audited in the same manner as other county or city and county claims.

Sec. 4. The board of supervisors of each county or city and county is hereby directed to make all necessary and suitable appropriation for the payment of the fees herein provided for.

Sec. 5. This act shall take effect immediately.

TITLE 157.

FELTON.

ACT 1129.

Incorporating. [Stats. 1877-8, p. 185.]

TITLE 158.

FENCES.

ACT 1134.

Concerning lawful fences. [Stats. 1850, p. 131.]

"Repealed as to many counties by the statute of 1855, p. 154, from which, however, Amador, Butte, Calaveras, Colusa, Klamath, Nevada, Placer, San Bernardino, San Diego, Santa Barbara, Shasta, Siskiyou, Trinity, Tuolumne, and Yuba counties were omitted. The statute of 1855 was afterwards amended to include Butte, Calaveras, and Nevada. Special acts were passed relating to other counties,

but the statute of 1850 has apparently not been repealed as to Amador, Klamath, San Diego, Santa Barbara, Siskiyou, and Trinity counties."—Code Commissioners' note.

ACT 1125.

Concerning lawful fences. [Stats. 1855, p. 154.]

Amended 1858, 123; 1861, 510, 513; 1863-4, 465; 1877-8, 765. Supplemented 1860, 141.

This act excepted from its operation the counties of Butte, Amador, Tuolumne, Calaveras, San Diego, Nevada, San Bernardino, Colusa, Placer, Santa Barbara, Yuba, Trinity, Shasta, Klamath, and Siskiyou.

This act and the supplementary act of 1860, 141, were continued in force by the Political Code, sec. 19, and consequently the counties to which they apply are not subject to the provisions of sec. 841 of the Civil Code. (Meade v. Watson, 67 Cal. 591. See, also, Gonzales v. Wasson, 51 Cal. 295.)

ACT 1126.

Lawful fences, supplementing statute concerning. [Stats. 1860, p. 141.]

ACT 1127.

Concerning lawful fences in San Bernardino, Colusa, Shasta, Tehama, and Placer counties. [Stats. 1859, p. 279.]

Extended to Yuba county, 1863, 357. This latter act repealed, Stats. 1871-2, 700.

ACT 1128.

Division fences, construction of. [Stats. 1875-6, p. 175.]

Amended 1877-8, 765. Repealed, as to San Mateo County, 1877-8, 1019.

This act applied to the counties of Sacramento, Solano, Sutter, Yuba, Butte, Contra Costa, San Joaquin (parts of), Amador, San Luis Obispo, Santa Barbara, Ventura, Tulare, El Dorado, Tuolumne, San Mateo, and Nevada.

ACT 1129.

Regulating the height of division and partition fences in cities. [Stats. 1885, p. 45.]

CalRep.Cit. 118, 343.

Fences wholly on the land of their owner excluded therefrom. (Western etc. Co. v. Knickerbocker, 103 Cal. 111.)

ACT 1140.

To prevent persons from passing through inclosures and leaving them open, and tearing down fences to make passage through inclosures. [Stats. 1871-2, p. 384.]

See sec. 7, 1875-6, 408; 1877-8, 49, 776.

CalRep.Cit. 108, 347.

In full in Appendix to Penal Code, p. 598.

JUSTICES OF THE PEACE.

Justices of the peace may, for their own use, collect the following fees, and no others:

Each justice of the peace shall be allowed, in a civil action before him, for all services to be performed by him before trial, two dollars; and for the trial and all proceedings subsequent thereto, including all affidavits, swearing witnesses and jury, and the entry of judgment and issue of execution thereon, three dollars; and in all cases where judgment is rendered by default or confession, for all services, including execution and satisfaction of judgment, two dollars.

For all services in a criminal action or proceeding, whether on examination or trial, three dollars; provided, however, that no more than the sum of seventy-five dollars in any one month shall be allowed out of the county treasury, in misdemeanor cases, to any one justice.

For taking bail after commitment by another magistrate, fifty cents.

For certificate and transmitting transcript and papers on appeal, one dollar.

For copies of papers on docket, per folio, ten cents.

For issuing a search warrant, to be paid by the party demanding the same, fifty cents.

For celebrating a marriage, and returning a certificate thereof to the county recorder, three dollars.

For taking an acknowledgment of any instrument, for the first name, fifty cents; for each additional name, twenty-five cents.

For taking depositions, per folio, fifteen cents.

For administering an oath, and certifying the same, twenty-five cents.

For issuing a commission to take testimony, fifty cents.

For all services connected with the posting of estrays, one dollar.

In cases before the justice of the peace, when the venue shall be changed, the justice before whom the action shall be brought, for all services rendered, including the making up and transmission of the transcript and papers, shall receive one dollar; and the justice before whom the trial shall take place shall receive the same fees as if the action had been commenced before him.

rating said ferry or ferries out of the general road fund of such county.

Sec. 4. This act shall take effect from and after its passage.

TITLE 160.**FERRY DEPOT.****ACT 1152.**

To provide for the issuance and sale of state bonds to create a fund for the construction and furnishing, by the board of state harbor commissioners, of a general ferry and passenger depot in the city and county of San Francisco; to create a sinking fund for the payment of said bonds, and providing for the submission of this act to a vote of the people. [Approved March 17, 1891. Stats. 1891, p. 110.]

CalRep.Cit. 111, 582.

TITLE 161.**FERTILIZERS.****ACT 1157.**

An act to regulate the sale of commercial fertilizers or materials used for manurial purposes, and to provide penalties for the infraction thereof, and means for the enforcement of the act.

[Approved March 20, 1903. Stats. 1903, p. 259.]

The people of the state of California, represented in senate and assembly, do enact as follows:

Section 1. Every lot, parcel, or package of commercial fertilizers or materials to be used for manurial purposes (excepting the dung of domestic animals), sold, offered, or exposed for sale, within this state, shall be accompanied by a plainly printed label, stating the name, brand, and trademark, if any there be, under which the fertilizer is sold, the name and address of the manufacturer, importer, or dealer, the place of manufacture, and a chemical analysis, stating the percentages claimed to be therein; of nitrogen, specifying the form or forms in which it is present; of phosphoric acid, available and insoluble; and of potash, soluble in distilled water, and the materials from which all of said constituents are derived. All analyses are to be made according to the methods agreed upon by the American association of official agri-

ACT 1141.

To prevent the leaving open of inclosures and hunting on inclosed lands. [Stats. 1875-6, p. 408.]

Amended 1877-8, 49, 776.

In full in Appendix to Penal Code, p. 599.

TITLE 159.**FERRIES.****ACT 1146.**

Concerning public ferries and toll bridges. [Stats. 1855, p. 183.]

Supplemented 1861, 18; 1862, 247; 1869-70, 887. Amended 1861, 307; 1863, 720, 747, 758; 1863-4, 192; 1867-8, 77; 1873-4, 581. Superseded by Political Code, sec. 2842 et seq.

Cal.Rep.Cit. 7, 115.

ACT 1147.

An act relating to ferries across navigable rivers separating counties, and empowering the boards of supervisors of such counties to establish and maintain ferries across such rivers, and to pay the expense thereof.

[Approved March 16, 1903. Stats. 1903, p. 156.]

The people of the state of California, represented in senate and assembly, do enact as follows:

Section 1. When a navigable river forms a boundary between two counties of this state, the boards of supervisors of such counties are hereby given the power to establish and operate a ferry or ferries across such stream.

Sec. 2. Each of such counties shall pay such proportion of the expenses of establishing and operating said ferry or ferries as may be agreed upon by the boards of supervisors of such counties.

Sec. 3. In case either of said counties shall refuse to enter into an agreement to establish and operate such ferry or ferries, the county situated upon the opposite bank of such river may establish and operate a ferry or ferries across such river, and such county is hereby empowered to acquire landing places for such ferry or ferries on the bank of such river opposite the boundary of such county, and may pay the expense of establishing and ope-

rating said ferry or ferries out of the general road fund of such county.

Sec. 4. This act shall take effect from and after its passage.

TITLE 160.

FERRY DEPOT.

ACT 1152.

To provide for the issuance and sale of state bonds to create a fund for the construction and furnishing, by the board of state harbor commissioners, of a general ferry and passenger depot in the city and county of San Francisco; to create a sinking fund for the payment of said bonds, and providing for the submission of this act to a vote of the people. [Approved March 17, 1891. Stats. 1891, p. 110.]

CalRep.Cit. 111, 582.

TITLE 161.

FERTILIZERS.

ACT 1157.

An act to regulate the sale of commercial fertilizers or materials used for manurial purposes, and to provide penalties for the infraction thereof, and means for the enforcement of the act.

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The people of the state of California, represented in senate and assembly, do enact as follows:

Section 1. Every lot, parcel, or package of commercial fertilizers or materials to be used for manurial purposes (excepting the dung of domestic animals), sold, offered, or exposed for sale, within this state, shall be accompanied by a plainly printed label, stating the name, brand, and trademark, if any there be, under which the fertilizer is sold, the name and address of the manufacturer, importer, or dealer, the place of manufacture, and a chemical analysis, stating the percentages claimed to be therein; of nitrogen, specifying the form or forms in which it is present; of phosphoric acid, available and insoluble; and of potash, soluble in distilled water, and the materials from which all of said constituents are derived. All analyses are to be made according to the methods agreed upon by the American association of official agri-

cultural chemists. In the case of those fertilizers, the selling price of which is less than eight dollars (\$8) per ton, said label need only give a correct general statement of the nature and composition of the fertilizer it accompanies.

Sec. 2. No person shall sell, offer, or expose for sale in this state, any pulverized leather, hair, ground hoofs, horns, or wool waste, raw, steamed, roasted, or in any form as a fertilizer, or as an ingredient of a fertilizer or manure, without an explicit statement of the fact; said statement to be conspicuously affixed to every package of such fertilizer or manure, and to accompany and go with every lot, parcel, or package of the same.

Sec. 3. The manufacturer, importer, agent of, or dealer in any commercial fertilizers, or materials used for manurial purposes, the selling price of which to the consumer is eight (\$8) dollars or more per ton, shall, before the same is offered for sale, obtain a certificate of registration from the secretary of the board of regents of the University of California, countersigned by the director of the agricultural experiment station of the said university, authorizing the sale of fertilizers in this state, and shall securely fix to each lot, parcel, or package of fertilizer the word "Registered" with the number of registry. The manufacturer, importer, agent, or dealer obtaining such registry, shall pay to the said secretary the sum of fifty (\$50) dollars, to be applied as provided in section nine of this act; such registration shall expire on the thirtieth day of June of the fiscal year for which it was given; provided, the provisions of this section shall not apply to any agent whose principals shall have obtained a certificate of registration as herein provided. Every such manufacturer, importer, agent, or dealer, who makes or sells, or offers for sale, any such substances, under a name or brand, shall file, on or before the first day of July, in each year, a statement, under oath, with said director, stating such name or brand, and stating the component parts in accordance with the provisions of section one of this act, of the substances to be sold, or offered for sale, or manufactured under each such name or brand.

Sec. 4. The said director shall annually, on or before the first day of September, take samples in accordance

with the provisions of section five hereof of the substance made, sold, or offered for sale, under every such name or brand, and cause analyses to be made thereof in accordance with the provisions of section one hereof, and said analyses may include such other determinations as said director may at any time deem advisable. Dealers in, or manufacturers of fertilizers, must give free access to the director of the agricultural experiment station, or his duly authorized deputy, to all the materials which they may place on the market for sale in California. Whenever the analysis certified by the said director shall show a deficiency of not more than one fourth of one per cent of nitrogen, or one per cent of soluble or available phosphoric acid, or one half of one per cent of potash soluble in distilled water, the statement of the manufacturer or importer, as required in section one of this act, shall not be deemed to be false in the meaning of this act; provided, that this act shall not apply to sales of fertilizing materials made to a registered manufacturer of fertilizers, or to sales for export outside of this state; provided further, that the said director of the agricultural experiment station of the University of California shall, upon the receipt of a sample of fertilizer, accompanied with a nominal fee of two (\$2) dollars, furnish to the user of said commercial fertilizer, such examination or analysis of the sample as will substantially establish the conformity or non-conformity of the said fertilizer to the guarantee under which it was sold.

Sec. 5. The director of the agricultural experiment station of the University of California, in person or by deputy, is hereby authorized to take a sample not exceeding two pounds in weight for analysis by the said director, or his deputies, from any lot, parcel, or package of fertilizer, or material, or mixture of materials used for manual purposes, which may be in the possession of any manufacturer, importer, agent, or dealer, but said sample shall be drawn in the presence of said party or parties in interest, or their representatives. In lots of five tons or less, samples shall be drawn from at least ten packages, or, if less than ten packages are present, all shall be sampled; in lots of over five tons, not less than twenty packages shall be sampled. The samples so drawn shall be thoroughly mixed, and from it two equal samples shall

be drawn and placed in glass vessels, carefully sealed, and a label placed on each, stating the name or brand of the fertilizer or material sampled, the name of the party from whose stock the sample was drawn, and the time and place of drawing; and said label shall also be signed by the said director or his deputy making such inspection, and by the party or parties in interest, or their representatives present at the drawing and sealing of said samples. One of said duplicate samples shall be retained by the party whose stock was sampled, and the other by the director of the agricultural experiment station of the University of California.

Sec. 6. The director of the agricultural experiment station of the University of California shall publish in bulletin form, from time to time, at least annually, the results of the analyses hereinbefore provided, with such additional information as circumstances may advise.

Sec. 7. There is hereby appropriated for the use of the agricultural experiment station of the University of California at Berkeley, Alameda County, as set forth in this act, out of any moneys in the treasury not otherwise appropriated, the sum of eighteen hundred (\$1,800) dollars for the equipment of a laboratory, with the chemicals and apparatus, and other incidentals necessary to the successful prosecution of the work.

Sec. 8. In order to further provide for the necessary expenses of this work, there shall be paid by the manufacturer, importer, agent, or dealer, twenty-five cents for every ton of fertilizer sold, the selling price of which to the consumer is eight (\$8) dollars or more per ton. A statement sworn to by the manufacturer, importer, agent, or dealer, of such sales, shall be rendered quarterly to the secretary of the board of regents of the University of California, accompanied by the corresponding amount of the special license fee as above specified; provided, that whenever the manufacturer or importer shall have paid the special license fee herein required, for any person acting as agent or seller for such manufacturer or importer, such agent or seller shall not be required to pay the special license fee named in this section. On receipt of said special license fee and statement, the said secretary shall issue to the manufacturer, importer, agent, or dealer, a certificate of compliance with this section.

Sec. 9. All moneys, whether received from registry and analytical fees or special license fees, shall be paid to the secretary of the board of regents of the University of California, for the use of said board in carrying out the provisions of this act.

Sec. 10. Any party selling, offering, or exposing for sale, any commercial fertilizer without the statement required by section one of this act, or with a label stating that said fertilizer contains a larger percentage of any one or more of the constituents mentioned in said section than is actually contained therein, except as provided for in section four, or respecting the sale of which all the provisions of this act have not been fully complied with, shall be deemed guilty of a misdemeanor, and upon conviction thereof before any court of competent jurisdiction, shall be fined in a sum not less than fifty (\$50) dollars and costs of action for the first offense, and one hundred (\$100) dollars and costs of the action for each subsequent offense. Said fines to be paid into the school fund of the county in which conviction is had.

Sec. 11. In any action, civil or criminal, in any court in this state, a certificate under the hand of said director, and the seal of said university, stating the results of any analysis, purporting to have been made under the provisions of this act, shall be prima facie evidence of the fact that the sample or samples mentioned in said analysis or certificate were properly analyzed as in this act provided; that such samples were taken as in this act provided; that the substances analyzed contained the component parts stated in such certificate and analysis; and that the samples were taken from the parcels or packages or lots mentioned or described in said certificate.

Sec. 12. This act shall take effect and be in force from and after July first, nineteen hundred and three.

TITLE 162.

FIDDLTOWN.

ACT 1162.

To prevent hogs and goats running at large in. [Stats. 1873-4, p. 319.]

See sec. 9, Stats. 1897, 198; sec. 10, Stats. 1901, 603.

ACT 1163.

Name changed to Oleta. [Stats. 1877-8, p. 109.]

TITLE 163.

FIRE.

ACT 1168.

Forest fires on public lands, act to prevent destruction by. [Stats. 1871-2, p. 96.]

Cal.Rep.Cit. 90, 109.

In full in Appendix to Penal Code, p. 600.

ACT 1169.

To prevent the destruction by fire of the property of contiguous owners. [Stats. 1891, p. 473.]

Cal.Rep.Cit. 109, 95.

This act made it a misdemeanor to start a fire in hay, grain, stubble, or grass without first taking certain precautions.

In full in Appendix to Penal Code, p. 601.

TITLE 164.

FIRE DEPARTMENT.

ACT 1174.

To allow unincorporated cities and towns to equip and maintain a fire department. [Stats. 1881, p. 26.]

Amended 1899, 69, chap. LIX.

This act, as amended in 1899, appears in full in Political Code, Appendix, p. 1074.

ACT 1175.

To create a firemen's relief, health, and life insurance, and pension fund in the several counties, cities and counties and cities and towns of this state. [Stats. 1901, p. 101.]

Amended 1908, 158.

This act appears in full in Political Code, Appendix, p. 1081.

ACT 1176.

To create an exempt firemen's relief fund in the several counties, cities and counties, cities and towns of the state, and relating to the enrollment, formation into fire companies, and services as firemen of such exempt firemen. [Stats. 1895, p. 107.]

Unconstitutional. Taylor v. Mott, 123 Cal. 497.) Superseded 1901, 101.

ACT 1177.

To require the payment of certain insurance premiums by fire insurance companies not organized in Califor-

nia, to cities and cities and counties. [Stats. 1885, p. 13.]

Amended 1887, 15.

Unconstitutional. (San Francisco v. Insurance Co., 74 Cal. 118.)

The moneys collected under this act were for the benefit of the firemen's relief fund.

ACT 1178.

Authorizing boards of supervisors to provide pensions for the relief of aged, infirm, and disabled firemen. [Stats. 1889, p. 108.]

Amended 1901, 575.

Cal.Rep.Cit. 123, 499.

This act appears in full in Political Code, Appendix, p. 1080.

ACT 1179.

Authorizing and requiring boards or commissions having the management and control of paid fire departments, to grant the members thereof yearly vacations. [Stats. 1895, p. 76.]

Amended 1899, 57.

This act appears in full in Political Code, Appendix, 1079.

ACT 1180.

Relating to salaries of officers of fire departments in municipalities of the first class. [Stats. 1897, p. 54.]

Unconstitutional. (Popper v. Broderick, 123 Cal. 456.)

ACT 1181.

Relating to fire departments of municipalities of the first class, and fixing the salaries of officers thereof. [Stats. 1897, p. 192.]

Apparently unconstitutional under the rule announced in Popper v. Broderick, 123 Cal. 456.

This act appears in full in Political Code, Appendix, p. 1088.

ACT 1182.

To provide for increasing the efficiency of fire departments within municipalities of the first class in the state of California. [Stats. 1897, p. 61.]

This act appears in full in Political Code, Appendix, p. 1087.

TITLE 165.

FIRE PATROL.

ACT 1188.

Underwriters, authorizing the establishment of the fire patrol by. [Stats. 1875-6, p. 689.]

Amended 1897, 223.

This act appears in full in Civil Code, Appendix, p. 715.

TITLE 166.

ACT 1193.

FISCAL YEAR.

Providing for changing the fiscal year of cities in this state operating under a charter framed under section eight, article eleven, of the constitution. [Stats. 1895, p. 128.]

FISH AND GAME.

See Game Laws.

FISH COMMISSIONERS.

See Game Laws.

TITLE 167.

FLAG.

ACT 1198.

To prohibit the desecration of the flag of the United States, and provide a punishment therefor. [Stats. 1899, p. 46.]

TITLE 168.

FOLSOM.

ACT 1203.

To prevent goats from running at large in. [Stats. 1875-6, p. 385.]

Repealed in 1897, 198; 1901, 603.

Cal.Rep.Cit. 60, 483; 62, 393; 84, 207; 119, 309; 128, 557.

TITLE 169.

FORCIBLE ENTRY.

ACT 1206.

Concerning forcible entries and unlawful detainers. [Stats. 1863, p. 652.]

Amended 1871-2, 318.

Cal.Rep.Cit. 41, 361; 44, 195; 51, 182; 51, 184.

Effect of code on: See Norblett v. Farwell, 38 Cal. 155; Hamstreet v. Wassum, 59 Cal. 273.

TITLE 170.

FORECLOSURE.

ACT 1213.

Foreclosure suits, abolishing attorneys' fees in. [Stats. 1873-4, p. 707.]

This act appears in full in Code of Civil Procedure, Appendix, p. 780. It provided that the fees of attorneys should be fixed by the court, notwithstanding a stipulation in the mortgage to the contrary.

TITLE 171.

FORESTRY.

See Agriculture; Fruit-Trees and Vines; Horticulture; Viticulture; Silk Culture.

ACT 1218.

To create a state board of forestry, and to provide for the expenses thereof. [Approved March 3, 1885. Stats. 1885, p. 10.]

Repealed 1893, 229.

ACT 1219.

To enlarge the powers of the state board of forestry, and to provide for the expenses of said board. [Approved March 7, 1887. Stats. 1887, p. 46.]

This act was not in terms repealed by the body of the act of March 23, 1893, post, although its title purported to repeal the act, but it probably fell with the repeal of the act on which it was based.

ACT 1220.

An act to repeal an act entitled "An act to create a state board of forestry, and to provide for the expenses thereof," approved March 3, 1885, and the act amendatory thereof, approved March 7, 1887, and to make an appropriation for the maintenance and preservation of the property of the board of forestry.

[Approved March 23, 1893. Stats. 1893, p. 229.]

Section 1. An act entitled "An act to create a state board of forestry, and to provide for the expenses thereof," approved March third, eighteen hundred and eighty-five, is hereby repealed.

Sec. 2. All the real and personal property of the said board on or before the first day of July, eighteen hundred and ninety-three, shall be assigned, made over, and transferred to the agricultural department of the University of California.

Sec. 3. There is hereby appropriated the sum of four thousand dollars out of any money in the state treasury not otherwise appropriated, payable to the agricultural department of the University of California, for the support, maintenance, and preservation of the experimental stations of the state board of forestry, and the controller is hereby directed to draw his warrant for the same.

Sec. 4. This act shall take effect from and after July first, eighteen hundred and ninety-three.

TITLE 172.

FORT JONES.

ACT 1225.

Incorporation of. [Stats. 1871-2, p. 387.]

TITLE 173.

FRANCHISES.

ACT 1230.

Providing for the sale of railroad and other franchises in municipalities and relative to granting franchises. [Stats. 1893, p. 288.]

Amended 1897, 176. Superseded by 1901, 265. See Horton v. Los Angeles, 119 Cal. 602.

Cal.Rep.Cit. 111, 546; 111, 555; 117, 700; 119, 602; 132, 680; 134, 622.

This act appears in full in Civil Code, Appendix, p. 758.

ACT 1231.

Providing for the sale of street railroad and other franchises in municipalities, and providing conditions for the granting of such franchises by the legislative or other governing bodies. [Stats. 1897, p. 135.]

Repealed 1901, 265.

Unconstitutional. (Pereria v. Wallace, 129 Cal. 397.)

In full in Appendix to Civil Code, p. 755.

ACT 1232.

To provide for the sale of street railroad and other franchises in municipalities. [Stats. 1901, p. 265.]

Amended 1903, 90.

This act appears in full in Civil Code, Appendix, p. 758.

ACT 1233.

Limiting the time for granting franchises for the construction, extension, or operation of street railroads. [Stats. 1893, p. 29.]

The code commissioners say this act is superseded by the act of 1897, 265. It appears in full in Civil Code, Appendix, p. 773.

ACT 1234.

Relating to granting by counties and municipalities of franchises for the construction of paths and roads for the use of bicycles and other horseless vehicles. [Stats. 1897, p. 191.]

TITLE 174.

FRAUDULENT CONVEYANCES.

ACT 1239.

Concerning fraudulent conveyances and contracts. [Stats. 1850, p. 87.]

Amended 1856, 87; 1867-8, 110. Superseded by Civil Code, secs. 1227-1231, 1624, 3439-3442.

TITLE 175.

FREE LIBRARIES.

ACT 1244.

In reference to library associations. [Stats. 1863, 624.]

Amended 1869-70, 866.

"Repealed by sec. 288, Civ. Code."—Code Commissioners' note.
See note to act 632, ante.

ACT 1245.

To establish free public libraries and reading-rooms.
[Stats. 1880, p. 231.]

Repealed 1901, 557.

ACT 1246.

Free public libraries and reading-rooms, establishment of.
[Stats. 1877-8, p. 329.]

Repealed 1880, 283.

ACT 1247.

An act to provide for the establishment and maintenance
of public libraries within municipalities.

[Approved March 23, 1901. Stats. 1901, p. 557.]

The people of the state of California, represented in senate
and assembly, do enact as follows:

Section 1. The common council, board of trustees, or other legislative body of any incorporated city or town in the state of California, may, and upon being requested to do so by one fourth of the electors of such municipal corporation in the manner hereinafter provided, must, by ordinance, establish in and for said municipality a public library; provided, there be none already established therein.

Sec. 2. The request referred to in the preceding section may be by a single petition, or by several petitions; provided, that such several petitions be substantially in

the same form, and that such single petition has, or such several petitions in the aggregate have, the signatures of the requisite number of electors.

Sec. 3. Such public library shall be managed by a board designated as the board of library trustees, consisting of five members, to be appointed by the mayor, president of the board of trustees or other executive head of the municipality, by and with the consent of the legislative body of said municipality. Such trustees shall severally hold office for three years, serving without compensation; provided, that the members of the first board appointed shall so classify themselves by lot that one of their number shall go out of office at the end of the current fiscal year, two at the end of one year thereafter, and the other two at the end of two years thereafter. Men and women shall be equally eligible to such appointment, and vacancies shall be filled by appointment for the unexpired term in the same manner.

Sec. 4. Boards of library trustees shall meet at least once a month at such times and places as they may fix by resolution. Special meetings may be called at any time by three trustees, by written notice served upon each member at least three hours before the time specified for the proposed meeting. A majority of the board shall constitute a quorum for the transaction of business. Such boards shall appoint one of their number president, who shall serve for one year and until his successor is appointed, and in his absence shall select a president pro tem. Such boards shall cause a proper record of their proceedings to be kept.

Sec. 5. Boards of library trustees shall have power:

First—To make and enforce all rules, regulations and by-laws necessary for the administration, government and protection of the libraries under their management, and all property belonging thereto.

Second—To administer any trust declared or created for such libraries, and receive by gift, devise, or bequest and hold in trust or otherwise, property situated in this state or elsewhere, and where not otherwise provided, dispose of the same for the benefit of such libraries.

Third—To prescribe the duties and powers of the librarian, secretary and other officers and employes of any such libraries; to determine the number of and appoint

all such officers and employees, and fix their compensation, which said officers and employees shall hold their offices or positions at the pleasure of said boards.

Fourth—To purchase necessary books, journals, publications and other personal property.

Fifth—To purchase such real property, and erect or rent and equip, such building or buildings, room or rooms, as may be necessary, when in their judgment a suitable building, or portion thereof, has not been provided by the legislative body of the municipality for such libraries.

Sixth—To require the secretary of state and other state officials to furnish such libraries with copies of any and all reports, laws and other publications of the state not otherwise disposed of by law.

Seventh—To borrow books from, lend books to and exchange the same with other libraries, and to allow non-residents to borrow books upon such conditions as they may prescribe.

Eighth—To do and perform any and all other acts and things necessary or proper to carry out the provisions of this act.

Sec. 6. Boards of library trustees shall, on or before the last day of July in each year, make a report to the legislative body of their municipality, giving the condition of the library on the thirtieth day of June preceding, together with a statement of their proceedings for the year then ended, and forward a copy thereof to the state library at Sacramento.

Sec. 7. The legislative body of any municipality in which a public library has been established in accordance with this act, shall in making the annual tax levy and as part thereof, if the maintenance of the library has not been otherwise provided for, levy a tax for the purpose of maintaining such library and purchasing property necessary therefor, which tax shall be in addition to other taxes, the levy of which is permitted in the municipality; provided, that after two years from the passage of this act as to existing libraries and after two years from the establishment of new libraries thereunder, where a maintenance corresponding thereto has not been otherwise provided, in municipalities of the first, second and third classes, such tax levy shall not exceed one mill on the dollar of assessed valuation, and in municipalities of the fourth, fifth, and

sixth classes such levy shall not exceed two mills on the dollar of assessed valuation.

Sec. 8. The revenue derived from said tax, together with all money acquired by gift, devise, bequest, or otherwise, for the purposes of the library, shall be apportioned to a fund to be designated the library fund, and be applied to the purposes herein authorized. If such payment into the treasury should be inconsistent with the conditions or terms of any such gift, devise, [or] bequest, the board shall provide for the safety and preservation of the same, and the application thereof to the use of the library, in accordance with the terms and conditions of such gift, devise or bequest. Payments from said fund shall be made in the manner provided for the payment of other demands against the municipality; provided, that demands upon said fund shall be presented to the board of library trustees for allowance rather than to the legislative or other body of the municipality.

Sec. 9. Every library established under this act shall be forever free to the inhabitants and non-resident taxpayers of the municipality, subject always to such rules, regulations and by-laws as may be made by boards of library trustees; and provided, that for violations of the same a person may be fined or excluded from the privileges of the library.

Sec. 10. Boards of library trustees and the legislative bodies of neighboring municipalities or boards of supervisors of the counties in which public libraries are situated, may contract for lending the books of such libraries to residents of such counties or neighboring municipalities, upon a reasonable compensation to be paid by such counties or neighboring municipalities.

Sec. 11. The title to all property acquired for the purposes of such libraries, when not inconsistent with the terms of its acquisition, or otherwise designated, shall vest in the municipalities in which such libraries are, or are to be, situated, and in the name of the municipal corporations may be sued for and defended by action at law or otherwise.

Sec. 12. An act entitled "An act to establish free public libraries and reading rooms," approved April twenty-six, eighteen hundred and eighty, is hereby repealed; provided, that as to existing libraries this act is to be deemed a

continuation thereof, and such libraries shall be governed hereby accordingly; provided, however, that this act shall have no application to any library established or governed by the provisions of a city charter, and the provisions of any city charter shall in no manner be affected by this act.

Sec. 13. Any ordinance establishing a library adopted under the provisions of section one of this act may be repealed by the body which adopted the same upon being requested to do so by one fourth of the electors of such municipal corporations, in the manner provided in section two of this act, and upon the repeal of such ordinance such library shall be disestablished in such municipal corporation.

Sec. 14. This act shall take effect immediately.

TITLE 176.

FRESNO CITY.

ACT 1253.

Fresno, town of, and Merced, city, protection against fire. [Stats. 1877-8, p. 214.]

Superseded as to that city by the charter of Fresno, 1901, 833.

ACT 1252.

Preventing certain animals and fowls from running at large within the limits of Fresno City. [Stats. 1875-6, p. 57.]

Repealed 1897, 198.

TITLE 177.

FRESNO COUNTY.

ACT 1258.

County seat, locating. [Stats. 1873-4, p. 913.]

ACT 1259.

County auditor and county recorder, separation of offices of, and regulation of official salaries in. [Stats. 1875-6, p. 151.]

Amended 1875-6, 363; 1877-8, 104. Repealed by County Government Acts, 1897, 535, sec. 182.

ACT 1260.

Funds for improvement of court-house and county hospital grounds. [Stats. 1877-8, p. 174.]

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ACT 1261.

Authorizing transfer of funds. [Stats. 1875-6, p. 249.]

Superseded by subd. 18, sec. 25, County Government Act, 1897, 468.

ACT 1262.

To reduce the number of judges of the superior court of from three to two. [Stats. 1895, p. 156.]

ACT 1263.

To increase the number of superior judges of. [Stats. 1887, p. 57.]

ACT 1264.

For the appointment of an additional judge for. [Stats. 1893, p. 125.]

ACT 1265.

To provide for the maintenance and construction of roads in. [Stats. 1877-8, p. 859.]

Repealed 1883, 5, chap. X, sec. 2.

ACT 1266.

Issuance of bonds for the construction of certain roads and bridges. [Stats. 1877-8, p. 395.]

ACT 1267.

To repeal all special laws in and to apply the provisions of the Political Code relating to roads and highways. [Stats. 1873-4, p. 342.]

ACT 1268.

Promoting sanitary conditions in towns and villages. [Stats. 1877-8, p. 383.]

See subd. 20, sec. 25, County Government Act, 1897, 464.

ACT 1269.

Tax collectors of, bonds of. [Stats. 1875-6, p. 16.]

Repealed by County Government Act, 1897, 475, sec. 82.

ACT 1270.

Treasurer of, salary of. [Stats. 1873-4, p. 236.]

Amended 1877-8, 255. Repealed by County Government Act, 1897, 452.

ACT 1271.

Creating board of water commissioners for. [Stats. 1865-6, p. 777.]

Amended 1875-6, 547.

ACT 1272.

Water ditches and water privileges in. [Stats. 1875-6, p. 547.]

TITLE 178.**FUNDS.****ACT 1277.**

Authorizing transfer to the general fund of money in other funds of the state treasury. [Stats. 1871-2, p. 475.]

This act provided that when the general fund was exhausted, moneys in other funds not needed in such funds could be transferred to it.

ACT 1278.

Authorizing the governor to order the transfer to the general fund of any money that may be in other funds of the state treasury, and the return thereof to such funds. [Stats. 1899, p. 156.]

ACT 1279.

Requiring the payment into the state treasury of all moneys belonging to the state, received by state institutions, commissions, and officers, and directing the disposition of the proceeds. [Stats. 1899, p. 110.]

ACT 1280.

Providing for the payment of moneys in the state treasury to the credit of the swamp land fund, to the treasurers of the counties wherein the said swamp land districts are situated, and to provide for the control of the same by the auditor and treasurer of said counties, and prescribing the duties of the controller and treasurer in relation thereto. [Stats. 1891, p. 243.]

Cal.Rep.Cit. 119, 514.

ACT 1281.

Authorizing controller and treasurer to transfer certain moneys in certain other funds to the general fund. [Stats. 1893, p. 6.]

ACT 1282.

Authorizing the treasurer and controller to transfer moneys from the state drainage construction fund to the general fund. [Stats. 1891, p. 237.]

ACT 1283.

To authorize the controller and treasurer to transfer moneys from the construction fund of Drainage District No. 1 to the general fund. [Stats. 1891, p. 279.]

TITLE 179.**GALINAS SLOUGH.****ACT 1286.**

Galinas Slough or Creek, in Marin County, declared navigable. [Stats. 1875-6, p. 485.]

Repealed by Political Code, sec. 2349, as amended in 1891.

TITLE 180.**GAMING.****ACT 1298.**

To suppress gaming. [Stats. 1855, p. 124.]

Superseded by Penal Code, secs. 330-337.

ACT 1294.

To prohibit gaming. [Stats. 1857, p. 267.]

Superseded by Penal Code, secs. 330-337.

ACT 1295.

To prohibit gaming. [Stats. 1860, p. 69.]

Amended 1863, 723. Superseded by Penal Code, secs. 330 et seq.

TITLE 181.**GAME LAWS.****ACT 1300.**

To create the office of fish and game warden, and to prescribe the powers, duties, and salary of such officer. [Stats. 1895, p. 169.]

This act appears in full in Political Code, Appendix, p. 1089.

ACT 1301.

Authorizing the fish commissioners to purchase the land on which the state fish hatcheries at Sisson are situated. [Stats. 1891, p. 258.]

This act appears in full in Penal Code, Appendix, p. 601.

ACT 1302.

To provide for purchasing land for the state fish hatchery at Sisson, in Siskiyou County, and for making certain

improvements and repairs at said hatchery, and making an appropriation therefor. [Approved March 25, 1903. Stats. 1903, p. 434.]

ACT 1293.

Authorizing commissioners to remove obstructions in American River. [Approved March 5, 1889. Stats. 1889, p. 66.]

ACT 1294.

To provide for removing obstructions in Pitt River, above the mouth of Hat Creek, so as to enable salmon to reach the spawning-grounds on the upper waters of said river and its tributaries, and making an appropriation therefor. [Approved March 25, 1901. Stats. 1901, p. 808.]

ACT 1295.

Authorizing the board of fish commissioners to construct a steam launch. [Stats. 1885, p. 124.]

ACT 1296.

To authorize the board of fish commissioners to purchase or construct a gasoline launch, to aid in carrying out the purposes of said board, and appropriating money therefor. [Stats. 1893, p. 346.]

ACT 1297.

Authorizing fish commissioners to dispose of the steam launch Governor Stoneman and to replace it by two smaller boats to be used as patrol boats. [Stats. 1889, p. 350.]

ACT 1298.

To authorize state board of fish commissioners to import game birds into the state for propagation. [Stats. 1889, p. 304.]

ACT 1299.

Authorizing fish commissioners to build and maintain a salmon hatchery. [Stats. 1885, p. 31.]

ACT 1310.

Authorizing the board of fish commissioners to dispose of the hatchery located on Battle Creek in Tehama County, and to expend the proceeds of the same. [Stats. 1897, p. 89.]

ACT 1311.

Nevada County, protecting game in. [Stats. 1873-4, p. 80.]

"Probably modified and repealed by Penal Code, secs. 626e, 626f, 626h, and 626i."—Code Commissioners' note.

ACT 1312.

Yolo County, restricting the hunting of game in. [Stats. 1871-2, p. 411.]

"Probably superseded by the general laws on the subject. See Penal Code, secs. 635, 636, 636a."—Code Commissioners' note.

ACT 1313.

To prevent the destruction of deer on Mt. Diablo, in Contra Costa County. [Stats. 1877-8, p. 599.]

This act appears in full in the Appendix to the Penal Code, p. 608.

ACT 1314.

Mocking-birds, act to prevent destruction of. [Stats. 1871-2, p. 102.]

This act appears in full in the Appendix to the Penal Code, p. 609.

ACT 1315.

Seagulls at Santa Monica, protection of. [Stats. 1875-6, p. 287.]

This act appears in full in Penal Code, p. 609.

ACT 1316.

To prevent capture and destruction of blue cranes. [Stats. 1889, p. 205.]

This act appears in full in the Appendix to the Penal Code, p. 608.

ACT 1317.

To prevent destruction of fish and game in the waters of Lake Merritt, Alameda County. [Stats. 1869-70, p. 325.]

Continued in force by Political Code, sec. 19, and Penal Code, sec. 28.

ACT 1318.

Napa County, for the protection of fish and game in. [Stats. 1871-2, p. 550.]

"Probably repealed by the general laws upon the subject. See Penal Code, secs. 635, 636, 636a."—Code Commissioners' note.

ACT 1319.

To regulate the vocation of fishing, and to provide therefrom revenue for the protection and preservation of fish. [Stats. 1887, p. 233.]

ACT 1320.

To prohibit aliens from fishing in the waters of this state.
[Stats. 1880, p. 123.]

Unconstitutional. (People v. Parks, 58 Cal. 624.)

In full in Penal Code, Appendix, p. 603.

ACT 1321.

For the protection of certain kinds of fish. [Stats. 1880,
p. 106.]

Expired in 1882.

This act prohibited the catching of catfish, except by hook and line.

ACT 1322.

Construction, maintenance, and regulation of fishways in streams frequented by salmon, shad, etc. [Approved April 16, 1880. Stats. 1880, p. 121.]

This act is in the Penal Code, Appendix, p. 603; also in Political Code, Appendix, p. 1090.

ACT 1323.

Alameda County, prohibiting destruction of fish in. [Stats. 1877-8, p. 598.]

This act is in the Penal Code, Appendix, p. 605.

ACT 1324.

To prevent destruction of fish in Bolinas Bay. [Stats. 1865-6, p. 637.]

Continued in force by Political Code, sec. 19, and Penal Code, sec. 23.

ACT 1325.

For the protection of fish in Butte Creek, in the county of Butte. [Stats. 1871-2, p. 138.]

Amended 1873-4, 87. Probably superseded by the general laws on the subject.

ACT 1326.

Regulating salmon fisheries on Eel River. [Stats. 1859, p. 298.]

Continued in force by Political Code, sec. 19, and Penal Code, sec. 23. See Hickman v. Swett, 107 Cal. 276.

ACT 1327.

Lake Bigler, preservation of fish in the waters of. [Stats. 1877-8, p. 746.]

This act appears in full in the Penal Code, Appendix, p. 608.

ACT 1232.

Kings River, to prevent destruction of fish in. [Stats. 1877-8, p. 601.]

This act appears in the Penal Code, Appendix, 606.

ACT 1232.

To prevent destruction of fish in Napa River and Sonoma Creek. [Stats. 1867-8, p. 13.]

Amended 1871-2, 441.

Continued in force by Political Code, sec. 19, and Penal Code sec. 23.

ACT 1230.

San Antonio Creek, preventing catching of fish in, by seines, nets, or weirs. [Stats. 1875-6, p. 362.]

This act appears in the Penal Code, Appendix, p. 605.

See Penal Code, secs. 636, 636a.

ACT 1231.

Plumas and Sierra counties, protecting fish in waters of. [Stats. 1871-2, p. 794.]

Repealed 1873-4, 154.

ACT 1232.

Plumas and Sierra counties, protecting fish in. [Stats. 1873-4, p. 154.]

Repealed 1875-6, 725.

ACT 1233.

Siskiyou County, preservation of fish in waters of. [Stats. 1871-2, p. 385.]

"Probably superseded by the general laws upon the subject. See Penal Code, secs. 635, 636, 636a."—Code Commissioners' note.

ACT 1234.

Concerning trout in Siskiyou County. [Stats. 1865-6, p. 857.]

Continued in force by Political Code, sec. 19, and Penal Code, sec. 23.

"Modified by Penal Code, secs. 628, 632a."—Code Commissioners' note.

ACT 1235.

Concerning the payment of costs of trials of persons charged with violation of the laws for the preservation of fish. [Stats. 1887, p. 5.]

Amended 1903, 20.

This act provided that the expense should be borne by the state. It is in the Penal Code, Appendix, p. 602.

TITLE 182.

GAS.

ACT 1841.

For the protection of gas-light companies. [Stats. 1859, p. 309.]

Superseded by Penal Code, sec. 498.

ACT 1842.

Concerning gas companies. [Stats. 1869-70, p. 815.]

This act provided for the granting of franchises to gas companies. It was continued in force by sec. 19, Pol. Code, but was superseded by the constitution of 1879, art. XI, sec. 19.

ACT 1843.

To regulate the use of illuminating gas. [Approved March 20, 1903. Stats. 1903, p. 289.]

This act appears in full in Penal Code, Appendix, p. 610. It provided gas should not be turned off at meter by hotel or lodging-house keepers.

ACT 1844.

An act to regulate the quality and standard illuminating power and the price of gas in all cities within the state of California having a population of one hundred thousand or more.

[Approved March 4, 1878. Stats. 1877-8, p. 167.]

Repealed as to San Francisco by chap. 2 of art. I of the charter. Cal.Rep.Cit. 62, 591; 76, 326.

Quality and price of gas to be fixed by whom.

Section 1. That in all cities in the state of California having a population of one hundred thousand or more, the local legislative body thereof, whether known and designated as the board of supervisors, or board of aldermen, or common council, or board of trustees, or otherwise, are hereby authorized and required to fix the standard quality and illuminating power of gas to be furnished, and the rate and price for each one thousand cubic feet to be charged therefor by any person, company, or corporation whose pipes or mains are or shall be laid down in the streets or highways of such city, for the purpose of supplying gas for the use of such city, or for the inhabitants thereof, or for such city and its inhabitants; provided, however, that said board or local authority shall not fix or establish the standard quality and illuminating power of

gas in such city at less than sixteen-candle power, or such that five cubic feet of gas per hour so furnished shall give light at least equal to that afforded by the combustion of sixteen standard sperm candles consuming one hundred and twenty grains of sperm each per hour, the burner to be used in making such test to be that best adapted to the economical consumption of gas; and provided further, that such board of supervisors, or local legislative authority, by whatever name it may be known, shall not fix or establish the rate or price of gas so furnished to such city or its inhabitants at any greater price or rate than three dollars per thousand cubic feet.

Mayor to appoint an inspector.

Sec. 2. It shall be the duty of the mayor of each city having the population mentioned in section one of this act, and such mayor is hereby required, within thirty days after the passage and approval of this act, to appoint, subject to the approval of the board of supervisors, or other local legislative body aforesaid, a person of competent experience and knowledge of and concerning the proper qualities and illuminating power of gas, and who shall not be directly or indirectly interested in or connected with any person, company, or corporation engaged in the manufacture or furnishing of illuminating gas in such city, or elsewhere, either to such city or its inhabitants, or any of them, either as a stockholder or otherwise, who shall be known and designated as gas inspector of such city, who shall hold his said office for the term of two years, or until his successor shall be appointed and qualified; subject, however, to removal from his said office by the mayor, with the concurrence of a majority of the board of supervisors, or other local legislative board aforesaid, for any one of the following causes, to wit: by reason of any interest in the manufacture or furnishing of gas in such city, whether such interest existed at the date of his appointment or was afterward acquired, or for want of competent knowledge, skill, or experience to enable him properly to discharge the duties of said office; or for any neglect, misconduct, or inefficiency in the discharge of the duties of said office, to the prejudice of such city, or its inhabitants, or any of them. The person so appointed shall, before he enters upon the duties of said office, and within ten days after his appointment and confirmation, take and subscribe an oath

or affirmation before the county judge of the county in which such city is situated, that he will faithfully and impartially perform and discharge all the duties required by this act and the ordinances or resolutions of said board passed or adopted under and pursuant to the provisions thereof, as such gas inspector of such city, and shall also, within the same time, give bond to the city in and for which he is appointed, in the sum of ten thousand dollars, with sureties to be approved by said board, conditioned for the faithful performance of the duties of said office, which said oath and bond shall be filed with the clerk of said board. Such gas inspector shall be entitled to a salary to be fixed and allowed by said board, which shall be paid monthly out of the general fund of such city.

Duty of inspector.

Sec. 3. It shall be the duty of such inspector, immediately upon his appointment and qualification as such officer, as aforesaid, to make a careful examination and inquiry by inspection, letter, or otherwise, as to the quality and illuminating power of the gas furnished and used in the principal cities of the United States, and the prices charged therefor, and also the comparative cost of the manufacture and supply of gas in other cities of the United States, with the cost of the manufacture and supply of the same in the city for which he is such inspector, and report fully the result of such examination and information to said board within six months after his appointment and qualification; and upon receiving such reports, said board shall proceed to fix and establish the quality and standard illuminating power of gas to be used in such city, and the maximum price to be charged therefor; and such standard and price may be changed by said board from time to time, not oftener than once every year, as increased consumption or other circumstances may in their judgment require.

Same.

Sec. 4. After said board shall have fixed and established the quality and illuminating power, and the price of gas, as hereinbefore, it shall be the duty of such inspector to examine and inspect, from time to time, at least once every week, without notice to the person, company, or corporation furnishing the same, the quality and illuminating power of the gas furnished to such city and the in-

habitants thereof, and in case the same shall fall below the standard fixed by said board, the said inspector shall forthwith report the same to said board; and at such other times as he may be requested thereto by the mayor or any committee of said board, he shall report to said board upon any and all matters connected with the manufacture, supply, and consumption of gas coming within the scope of his official duties, and specially upon any subject or subjects, matters or things, connected therewith and specified in such request.

Certain acts declared unlawful.

Sec. 5. After said board shall have fixed and established the quality and standard illuminating power of the gas, and the price per thousand cubic feet, as in this act provided to be charged therefor, it shall be unlawful for any person, company, or corporation to furnish to such city, or any inhabitant thereof, or other person therein, for illuminating purposes, gas of a lower standard or quality, or to charge or receive therefor a higher price than is provided by said board, under the authority and subject to the limitations of this act; and for every violation of the provisions of this act, or the provisions of any order, resolution, or ordinance of said board made in pursuance thereof, every such person, company, or corporation shall incur a penalty of not less than one hundred nor more than one thousand dollars, to be recovered in a civil action in the name and for the use of such city, in any court of competent jurisdiction; and each day upon which such person, company, or corporation shall, without reasonable cause or excuse therefor, furnish gas of a lower quality or standard illuminating power than that fixed by said board, shall constitute and be considered and held one violation thereof, and each month or shorter period for which said person, company, or corporation shall take an account of gas consumed, and for which they shall charge or receive a price greater than that fixed by said board, shall be held and regarded as one offense, and any number of such offenses of either class, or both, may be joined in the same action, and the several penalties for the several violations proved or confessed in said action may be united and recovered in the same judgment; and such person, company, or corporation shall also be liable to such city and to any and each person or corporation who shall

be injured by any such violation; in double the amount of damages actually sustained.

Actions tried, by whom.

Sec. 6. All actions for penalties under the provisions of this act shall be tried by the court, unless a jury be demanded by either party; and when such action shall be tried by a jury, the jury shall find, as to each violation charged in the complaint, that "the defendant is guilty," or "the defendant is not guilty;" and upon each charge in respect to which the jury has found the defendant guilty, the court shall fix the penalty, and render judgment for the aggregate amount of such penalties, together with costs of suit.

Sec. 7. All penalties recovered under this act shall be paid into the general fund of such city.

Sec. 8. This act shall apply to the city and county of San Francisco, as well as to cities whose municipal government is distinct from the county in which they are located.

Sec. 9. This act shall take effect immediately.

TITLE 183.

GEOLOGICAL SURVEY.

ACT 1849.

To continue the geological survey of the state of California.
[Stats. 1871-2, p. 355.]

"Probably intended to be repealed by 1878-4, 694, chap. CDLXIII."—Code Commissioners' note.

ACT 1850.

State geological survey, preservation of material of. [Stats. 1873-4, p. 694.]

TITLE 184.

GIFTS.

ACT 1888.

To provide for the receipt of donations to the state, counties, cities and counties, or towns. [Stats. 1880, p. 20.]

ACT 1886.

To authorize the several counties, cities and counties, cities, and towns to receive gifts. [Stats. 1881, p. 2.]

TITLE 185.

GILROY.

ACT 1357.

Incorporating Gilroy. [Stats. 1869-70, p. 263.]
Amended 1871-2, 356; 1875-6, 724.

TITLE 186.

GLENN COUNTY.

ACT 1362.

To create the county of Glenn, establish the government,
and provide for its organization. [Stats. 1891, p. 98.]
Amended 1893, 158.
Cal.Rep.Cit. 104, 236; 122, 429.

TITLE 187.

GOATS.

To protect cashmere and angora goats from the ravages of
dogs.

See title Dogs, ante.

ACT 1367.

An act to prevent buck goats running at large.
[Approved March 23, 1878. Stats. 1877-8, p. 437.]

Buck goats not to run at large.

Section 1. It shall not be lawful for the owner or owners of any buck goat or buck goats, or any person or persons in charge of such goat or goats, to turn or permit such goat or goats to be turned or run at large in any county of this state.

Penalty for violation.

Sec. 2. Any person violating the provisions of the first section of this act shall, upon complaint and conviction before a justice of the peace of the proper township, be fined in a sum not less than five dollars, nor more than twenty dollars, to be collected as fines are now by law collected.

Sec. 3. This act shall take effect on and after the first day of July, eighteen hundred and seventy-eight.

Goats in particular cities or counties, see particular title.

TITLE 188.

GOLDEN CITY HOMESTEAD ASSOCIATION.

ACT 1872.

To authorize sale and conveyance of lands in San Francisco to Golden City Homestead Association. [Stats. 1863-4, p. 463.]

This act permitted the commissioners of swamp and overflowed lands to sell certain lands to this Homestead association.

TITLE 189.

GOOD TEMPLARS.

ACT 1877.

Concerning Independent Order of Good Templars. [Stats. 1863, p. 101.]

See sec. 288, Civ. Code.

This act gave authority to acquire property necessary to carry out its charitable purpose.

TITLE 190.

GOVERNOR.

ACT 1882.

Authorizing the appointment of a stenographer for. [Stats. 1891, p. 1.]

This act appears in full in Political Code, Appendix, p. 1092.

ACT 1883.

Governor's mansion, fitting it up for use as a state printing office and state armory. [Stats. 1873-4, p. 903.]

Repealed 1875-6, 22 (Am.).

ACT 1884.

Providing for the maintenance of a residence for. [Stats. 1899, p. 150.]

ACT 1885.

Providing for the construction and furnishing of a residence for. [Stats. 1899, p. 78.]

Amended 1903, 415.

ACT 1886.

Empowering the governor to execute a quitclaim deed to the successors in interest of James Bowman. [Stats. 1893, p. 151.]

448 .. GRAND ARMY OF THE REPUBLIC—GROWING TREES.

ACT 1397.

Imposing certain duties on, respecting rewards. [Stats. 1875-6, p. 855.]

Cal.Rep.Cit. 63, 466.

This act authorized the governor to offer rewards. It appears in full in the Appendix to the Penal Code, p. 610.

TITLE 191.

GRAND ARMY OF THE REPUBLIC.

ACT 1392.

To prevent persons from unlawfully wearing badge of Grand Army of the Republic. [Stats. 1887, p. 82.]

This act appears in full in the Penal Code, Appendix, p. 611.

TITLE 192.

GRASS VALLEY.

ACT 1397.

Incorporating Grass Valley. [Stats. 1861, p. 153.]

Amended 1862, 98; 1863-4, 57; 1865-6, 363; 1869-70, 16, 47; 1877-8, 192. Repealed by new charter 1893, 628.

TITLE 193.

GROWING TREES.

ACT 1403.

To protect growing timber on possessory claims and other private property, and on streets and highways and public grounds. [Stats. 1862, p. 307.]

Superseded by Penal Code.

ACT 1403.

To prevent the destruction of timber on the public lands of this state. [Stats. 1863-4, p. 136.]

Supplemented 1863-4, 435. Superseded by Penal Code.

ACT 1404.

To provide for the punishment of persons cutting timber upon or carrying away the same when cut down from any of the swamp and overflowed, tide, marsh, or school lands. [Stats. 1863, p. 739.]

Superseded by Penal Code, sec. 603.

Cal.Rep.Cit. 60, 82.

ACT 1405.

To protect the Big Tree groves of Fresno, Tulare, and Kern counties. [Stats. 1873-4, p. 347.]

This act appears in full in the Penal Code, Appendix, p. 611.

TITLE 194.

GUARDIAN AND WARD.

ACT 1410.

To provide for the appointment and prescribe the duties of guardians. [Stats. 1850, p. 268.]

Supplemented 1853, 129; 1857, 120. Amended 1860, 177; 1861, 603; 1869-70, 791. Superseded by Civil Code, sec. 236-258. See, also, provisions in Code of Civil Procedure.

CalRep.Ct. 53, 740; 68, 86; 93, 105.

TITLE 195.

HABEAS CORPUS.

ACT 1415.

Concerning the writ of habeas corpus. [Stats. 1850, p. 333.]

Amended 1854, 26. Supplemented 1859, 15. Superseded by Penal Code, sec. 1473-1505.

TITLE 196.

HARBOR COMMISSIONERS.

ACT 1420.

Authorizing the reduction or abolition of rates of dockage by. [Stats. 1871-2, p. 797.]

Probably superseded by Political Code, sec. 2528, as amended in 1876.

ACT 1421.

To authorize the board of state harbor commissioners to make repairs upon private wharves in their possession. [Stats. 1873-4, p. 663.]

This act appears in full in Political Code, Appendix, p. 1098.

ACT 1422.

Concerning state harbor commissioners. [Stats. 1873-4, p. 910.]

Superseded apparently by the provisions of sec. 2520-2554, Pol. Code.

This act related to the harbor commissioners of San Francisco, and placed them under the control of the state harbor commissioners.

ACT 1423.

State harbor commissioners, granting further powers to. [Stats. 1873-4, p. 912.]

Superseded apparently by the provisions of sec. 2520-2554, Pol. Code.

ACT 1424.

To authorize the board of state harbor commissioners to construct railroads over state lands and along the water-front of San Francisco, and to regulate the use of the same. [Stats. 1889, p. 388.]

Superseded by Political Code, sec. 2524.

ACT 1425.

To provide penalties for failure to pay tolls, by false returns or otherwise, to any board of state harbor commissioners. [Stats. 1891, p. 27.]

This act appears in full in Political Code, Appendix, p. 1093.

ACT 1426.

To provide for the issuing and sale of state bonds to create a fund for the use of the state board of harbor commissioners in constructing and furnishing of a general ferry and passenger depot in San Francisco. [Stats. 1891, p. 110.]

ACT 1427.

To extend the jurisdiction of the harbor commissioners over East Street, San Francisco. [Stats. 1891, p. 261.]

Superseded by Political Code, sec. 2524, as amended 1901, 620.

ACT 1428.

Authorizing the board of harbor commissioners to rectify the alignment of East Street, and employing the board to sell, condemn, and acquire adjacent property. [Stats. 1891, p. 270.]

This act appears in full in Political Code, Appendix, p. 1093.

ACT 1429.

To authorize and empower the board of state harbor commissioners to institute condemnation proceedings against certain property on the corner of Market, Sacramento and East streets, in the city and county of San Francisco, and extending their jurisdiction over the same. [Stats. 1895, p. 79.]

This act appears in full in Political Code, Appendix, p. 1095.

ACT 1430.

To authorize the state board of harbor commissioners to establish and maintain a free public market upon the

water-front of San Francisco, and providing for the expenses and regulations thereof. [Stats. 1897, p. 238.] Amended 1903, 76.

This act appears in full in Political Code, Appendix, p. 1096

ACT 1431.

Empowering the state board of harbor commissioners to insure against loss or damage by fire the property of the state located on the water-front of San Francisco. [Stats. 1901, p. 809.]

This act appears in full in Political Code, Appendix, p. 1094.

ACT 1432.

Concerning the water-front of the city and county of San Francisco. [Stats. 1877-8, p. 263.]

Amended 1880, 10; 1889, 379; 1891, 233; 1895, 194; 1901, 627. See Political Code, sec. 2524.

This act related to the jurisdiction of the harbor commissioners.

TITLE 197.

HASTINGS COLLEGE OF THE LAW.

ACT 1436.

Hastings College of Law, creating. [Stats. 1877-8, p. 533.]

"Superseded by amendatory act of 1883, 26, chap. XX, but this act was pronounced unconstitutional in *People v. Kewen*, 69 Cal. 215."—Code Commissioners' note.

TITLE 198.

HAYWARDS.

ACT 1441.

Incorporating. [Stats. 1875-6, p. 215.]

Superseded by incorporation, in 1892, under Municipal Government Act of 1883.

TITLE 199.

HEALDSBURG.

ACT 1446.

Charter of. [Stats. 1873-4, p. 665.]

Amended 1875-6, 90, 891. Superseded by incorporating, in 1882, under Municipal Government Act of 1882.

HEALTH.

See Public Health.

TITLE 200.

HIGHWAYS.

ACT 1451.

Granting to roads and highways a right of way over the public lands of this state. [Stats. 1865-6, p. 855.]

ACT 1452.

To appropriate money to purchase certain roads within Yosemite grant. [Stats. 1889, p. 142.]

The roads included in the act were the Big Oak Flat road and the Yosemite and Wawona road.

ACT 1453.

To declare a part of the Sonora and Mono wagon road, commencing east of Sonora, at a point known as Long Barn, in Tuolumme County, and running thence across the summit of the Sierra Nevada Mountains to Bridgeport, in Mono County, a state highway. [Became a law under constitutional provision without governor's approval, March 12, 1901. Stats. 1901, p. 272.]

ACT 1454.

To provide for locating and surveying a proposed highway from a point on the Trinity River, in Trinity County, near the town of North Fork, thence westerly down said river about forty miles to connect with an existing road in Humboldt County, and making an appropriation therefor. [Approved March 26, 1903. Stats. 1903, p. 515.]

ACT 1455.

Providing for the construction of a free wagon road from Mono Lake basin to the Tioga road. [Stats. 1899, p. 26.]

ACT 1456.

To provide for the construction of the unfinished part of the free wagon road from Mono Lake basin to connect with a road called the "Tioga Road" at or near the "Tioga Mine," and making an appropriation therefor. [Approved March 26, 1903. Stats. 1903, p. 523.]

ACT 1457.

To provide for the construction of a state highway or wagon road from Sacramento City to Folsom, in Sacramento County, and appropriating crushed rock and

granite or stone blocks for drains and culverts for same. [Approved March 29, 1897. Stats. 1897, p. 239.]

ACT 1458.

An act to provide for the care, management, and protection of state highways.

[Approved March 24, 1903. Stats. 1903, p. 400.]

The people of the state of California, represented in senate and assembly, do enact as follows:

Section 1. If any state highway duly declared, laid out, or erected, is encroached upon by fences, buildings, or otherwise, the highway commissioner of California may require the removal of the encroachment. Notice must be given to the occupant or owner of the land or person causing or owning said encroachment, or must be left at his place of residence, if such be known to the commissioner, or in case of a non-resident, then left with his agent if known, otherwise it must be posted on the encroachment. Said notice must specify the breadth of the state highway, the place and extent of the encroachment, and require him to remove the same within five days.

Sec. 2. If the encroachment is not removed, or commenced to be removed and diligently prosecuted prior to the expiration of the five days from the service or the posting of the notice, the one who caused, owns, or controls the encroachment forfeits ten dollars for each day the same continue unremoved. If the encroachment is such as to effectually obstruct and prevent the use of the road for vehicles, the state highway commissioner must forthwith remove the same.

Sec. 3. If the encroachment is denied, and the owner, occupant, or person controlling the matter or thing charged as being an encroachment refuses to remove or permit the removal thereof, the state highway commissioner must commence in the proper court an action to abate the same as a nuisance. If he recovers judgment, he may, in addition to having the same abated, recover ten dollars for every day such nuisance remained after such notice, and also his costs in his said action.

Sec. 4. If the encroachment is not denied, but is not removed for five days after the notice given as hereinbefore provided, the state highway commissioner may

remove the same at the expense of the owner, occupant, or person controlling the same, and recover his costs and expenses, and also ten dollars for each day the same remains after said five days' notice, in an action for that purpose.

Sec. 5. Whoever obstructs or injures any state highway, or diverts any watercourse thereon, or drains water from his land on any highway, to the injury thereof, by means of ditches or dams, is liable to a penalty of ten dollars for each day such obstruction or injury remains, and must be punished as provided in section five hundred and eighty-eight of the Penal Code. Any person, persons, or corporations, who shall, by storing or distributing water for any purpose, permit the water to overflow, or saturate by seepage, any state highway, to the injury thereof, shall, upon notification of the state highway commissioner, discontinue and repair the damage occasioned by such overflow or seepage; and should such repair not forthwith be made by such person, persons, or corporations, said state highway commissioner shall make such repairs and if necessary divert the flow or seepage, and recover the expense thereof from such person, persons, or corporation, in an action by law. All persons excavating irrigation, mining, or draining ditches across the state highways shall be required to bridge such ditches under the direction of the commissioner, at such crossings, and upon neglect to do so, the state highway commissioner shall construct the same and recover the cost of constructing said bridge or bridges of such person by action, as provided in this section; and whoever willfully injures any bridge on a state highway is hereby declared to be guilty of a misdemeanor, and is also liable for actual damages for such injury, to be recovered by the state in a civil action; provided, further, that every person who knowingly allows the carcass of any dead animal (which animal belongs to him at the time of its death) to be put or remain within one hundred feet of any state highway, and every person who puts the carcass of any dead animal within one hundred feet of any state highway, or who shall deposit on any state highway any refuse, or waste tin, sheet iron, broken glass, or other refuse matter, is guilty of a misdemeanor.

Sec. 6. Whoever removes or injures any mile-stone,

mile-board, or guide-post, or any inscription thereon, erected on any state highway, is liable to a penalty of ten dollars for every such offense, and punishable as provided in section five hundred and ninety of the Penal Code.

Sec. 7. Any person may notify the occupant or owner of any land from which a tree or other obstruction has fallen upon any state highway to remove such tree or obstruction forthwith. If it is not so removed, the owner or the occupant is liable to a penalty of one dollar for every day thereafter until it is removed, and the cost of removal at the suit of the commissioner.

Sec. 8. Whoever cuts down a tree so that it falls into any state highway must forthwith remove the same, and is liable to a penalty of ten dollars for every day the same remains in such highway.

Sec. 9. Whoever digs up, cuts down, or otherwise maliciously injures or destroys any shade or ornamental trees on any state highway, unless the same is deemed an obstruction by the state highway commissioner, and removed under his direction, forfeits one hundred dollars for each such tree.

Sec. 10. All penalties or forfeitures and other recoveries given in this act and not otherwise provided for, must be recovered by the state highway commissioner by suit in the name of the state, and paid into the state treasury, and thereafter be used for the purpose of costs or expenses in future proceedings under this act or for state road purposes.

Sec. 11. All acts, or parts of acts, in conflict with the provisions of this act, are hereby repealed.

Sec. 12. This act shall take effect and be in force from and after its passage.

ACT 1459.

To regulate the widths of tires of wagons to be used on the public highways of the state of California. [Stats. 1897, p. 177.]

Repealed 1900, 22.

ACT 1460.

For the establishment of a uniform system of road government and administration in the counties of the state of California. [Stats. 1897, p. 374.]

Repealed by County Government Act. (Davis v. Whidden, 117 Cal. 618.)

ACT 1461.

To create a bureau of highways, and prescribe its duties and powers, and to make an appropriation for its expenses. [Stats. 1895, p. 263.]

Superseded 1897, 443.

ACT 1462.

An act to create a department of highways for the state of California, to define its duties and powers, to provide for the appointment of officers and employees thereof, and to provide for the compensation of said officers and employees, and for the additional expenses of said department, and to make an appropriation therefor for the remainder of the forty-eighth fiscal year.

[Approved April 1, 1897. Stats. 1897, 443.]

Section 1. A department of and for the state of California, to be known as the department of highways, is hereby created, to consist of three chief executive officers, who shall be known as highway commissioners. Said department, its officers and employees, shall have and exercise the powers and duties hereinafter specified, and such as are or may be otherwise provided by law.

Sec. 2. Immediately upon the taking effect of this act, the governor, by and with the consent and advice of the senate, shall appoint three persons as highway commissioners. The persons so appointed shall be selected with particular reference to their qualifications for, and practical knowledge of, highway location, construction, and maintenance. The highway commissioners shall devote their entire time to the service of the state, and shall not actively engage in any other pursuit while serving as highway commissioners. The commissioners shall personally perform all the engineering work of the department; provided, that the department may be allowed assistance on the engineering work thereof on receiving the unanimous approval of the state board of examiners.

Sec. 3. Each of the highway commissioners shall hold office for the term of two years from and after the date of his qualification, as hereinafter provided for. At the expiration of said last-named term two of said three offices shall thereupon cease and determine, and the powers and duties herein specified shall devolve upon one highway

commissioner. At least thirty days prior to the expiration of the terms of the highway commissioners provided for above in this section the governor, by and with the advice and consent of the senate, unless it be otherwise provided by law, shall appoint, for a term of four years, and every four years thereafter, one civil engineer as highway commissioner, who shall have the qualifications specified in section two of this act, and upon him shall devolve all of the duties and powers which shall be conferred upon the commissioners first appointed under the provisions of this act, and who shall receive like compensation. Whenever a vacancy occurs in the office of highway commissioner, it shall be the duty of the governor to fill such vacancy for the unexpired term, which appointment shall be confirmed by the senate at its next session.

Sec. 4. Within twenty days after receiving notice of appointment, the person or persons so appointed shall file a bond in the sum of ten thousand dollars (\$10,000), with at least two sufficient sureties thereon, for the faithful performance of his duties, which bond must be approved by the governor, and filed with the secretary of state, and qualify by taking the oath of office as prescribed for state officers.

Sec. 5. The three chief executive officers hereinbefore provided for shall immediately, upon qualifying, organize by electing one of their number as president and shall adopt a seal for the authentication of its acts, records, and proceedings.

Sec. 6. The department of highways shall have power to appoint a secretary, and a stenographer, who shall hold office at the pleasure of the department. Such employees shall not be eligible for such appointment unless they possess special qualifications for, and are competent to perform the duties devolving on them; and they shall devote their entire time to the service of the department.

Sec. 7. The office of the department of highways shall be in the state capitol building; and the secretary of state shall assign to the department, for its use, such rooms as may be necessary for its accommodation. All of the regular meetings of the department shall be held at such office. The department may, however, hold such special meetings at such places as the duties of the department, or the best interests of the state, may require.

Sec. 8. The department of highways shall take possession, in the name of the state, as rapidly as the funds provided therefor will permit, of all roads which have been or may be declared state highways.

Sec. 9. The department of highways shall have charge of all expenditures made by the state for highway purposes, except as otherwise provided by law; and all moneys appropriated for such purpose shall be made payable upon proper order of said department. All claims and accounts which may be incurred by the department of highways shall, however, before payment, be audited by the board of examiners.

Sec. 10. The department of highways shall make examination into existing highway conditions in the state of California, and shall, furthermore, make such investigations within the state, as will put at the service of the state the most approved methods of highway improvement. It shall supply, on request, without charge, any information relative to highways required by any county or district official having care of and authority over highways within this state. It shall collect and collate data relating to the geological formation of the state in so far as it relates to material suitable for highway construction, and make analyses and tests of such material as it may deem suitable for highway uses, with the view of determining the value of the same for such purposes. All data so collected, together with such other matters of value or interest to the people of the state, shall be published in bulletins, or upon maps or diagrams, or in other proper form, or in the biennial report of the department, as it in its discretion shall determine. The department shall prepare and adopt styles and forms of books for use by officials, in which to keep account of the expenditure of highway money and all other records or proceedings relating to highways. It shall prepare such forms as may be necessary for use in connection with opening, abandoning, altering, locating, constructing, maintaining, obtaining title to, or otherwise relating to proposed state highways; and such books and forms, when so adopted, shall be the standard for use in the state. Copies of them shall be forwarded to the various officials who are charged with keeping or using the same, and such officials shall immediately prepare books and forms after the style shown by such stand-

ard, and shall thereafter use them exclusively for the purposes for which they are intended. It shall be the duty of the department to adopt such general forms for the surveying of state highways, mapping, and keeping of the notes thereof, and the permanent marking of the same on the ground, as it shall deem necessary and shall issue instructions defining such general forms and markings to the person having charge of the making of such surveys; and it shall thereafter be the duty of such persons to follow the methods prescribed in such instructions. The department of highways, in performance of its duties, shall have the power to call upon any state, county, or district official to furnish it with any information contained in his office which relates to or is in any way necessary to the proper performance of the work of said department; and it is hereby made the duty of such officials to furnish such information without cost. The attorney-general of the state shall be the legal adviser of the department of highways, and said department of highways shall call upon the attorney-general of the state for all such legal advice and services as the discharge of its duties may require.

Sec. 11. The department shall prepare biennial reports, which shall be submitted to the governor at least thirty days before each session of the legislature. Said report shall embrace the work and investigations of the department for the previous two years, together with such recommendations for changes in the law which it may deem advisable, and which the proper and economical maintenance of the highways may demand.

Sec. 12. It shall be the duty of the state controller, upon the demand of the department of highways, to transfer to it, for its use, all of the property, books, reports, and papers of every description which shall be transferred to him under the provisions of an act entitled "An act to create a bureau of highways, and prescribe its duties and powers, and make an appropriation for its expenses," approved March twenty-seventh, eighteen hundred and ninety-five.

Sec. 13. It shall be the duty of the state printer to print such reports, bulletins, or other matter, and furnish any necessary illustrations or diagrams therefor as the department of highways may deem necessary; all of which shall first be subject to the approval of the state board of examiners.

Sec. 14. The department of highways shall have the power and authority to employ, when in its judgment it is deemed necessary, such assistance of a special character as may be necessary and proper, for the discharge of its duties. The department shall also have the power to purchase such supplies, fixtures, and conveniences, as may be necessary in the performance of its work. The commissioners of the department of highways, or any employee thereof, shall be allowed their necessary traveling expenses while engaged in the discharge of their duties within the state. All of the expenses mentioned in this section, except as otherwise herein provided, shall be paid from the appropriation for the contingent expenses of the department of highways. The employment and compensation of assistants under the provisions of this section must receive the approval of the state board of examiners. The expense incurred in locating and definitely surveying state highways in a county shall be paid from the funds apportioned thereto for state highway purposes.

Sec. 15. The commissioners of highways shall each receive the sum of three thousand dollars (\$3,000) per annum; the secretary the sum of fifteen hundred dollars (\$1,500) per annum; and the stenographer the sum of twelve hundred dollars (\$1,200) per annum. Such salaries shall be paid at the same time and in the same manner as are the salaries of other state officers.

Sec. 16. For the purposes of carrying out the provisions of this act, the sum of three thousand dollars (\$3,000) is hereby appropriated out of any money in the state treasury not otherwise appropriated, to pay the salaries of the officers, and employees and the other expenses of said department for the remainder of the forty-eighth fiscal year.

Sec. 17. All acts or parts of acts in conflict with the provisions of this act are hereby repealed.

Sec. 18. This act shall take effect and be in force from and after its passage.

ACT 1403.

An act to provide for the protection and preservation of public highways from damage by storm waters and floods, and to authorize the expenditure of public moneys for the purposes thereof.

[Approved April 1, 1897. Stats. 1897, 404.]

Section 1. Whenever it appears to the board of supervisors that any public road, in any road district of the county, is in danger of being damaged by storm waters, or floods, or whenever any public highway has already been damaged by storm waters, or floods, it is hereby made the duty of the board of supervisors to adopt such measures as may be necessary to prevent such damage, or to repair the same; and the board of supervisors is hereby authorized to construct flumes, ditches, or canals, for the purpose of carrying off such storm waters, or floods, to a place of safety, and may condemn the right of way for such flumes, ditches, or canals for such purpose; provided, however, that no more than the sum of one thousand dollars shall be used for such purpose in any one road district of the county in any one year.

Sec. 2. All moneys used for the purposes of this act may be taken from the general road fund of the county.

Sec. 3. This act shall take effect and be in force from and after its passage.

ACT 1464.

An act relating to the granting by counties and municipalities of franchises for the construction of paths and roads for the use of bicycles and other horseless vehicles.

[Approved March 27, 1897. Stats. 1897, 191.]

Section 1. The legislative or other body to whom is intrusted the government of any county, city and county, city, or town, may, under such regulations, restrictions, and limitations as it may provide, subject to existing laws, grant franchises for the construction of paths and roads, either on the surface, elevated, or depressed, on, over, across, or under the streets and public highways of any such county, city and county, city, or town, for the use of bicycles, tricycles, motor-cycles, and other like horseless vehicles, propelled by the rider, for a term not exceeding fifty years; provided, that in incorporated cities no franchise shall be granted for the purpose herein expressed, unless the consent in writing of the owners of a majority of the frontage upon the road or street, along which said path or road is sought to be constructed, be first had and obtained and filed with such legislative or governing body.

Sec. 2. This act shall take effect immediately.

HOGS.

General acts relating to hogs running at large were repealed by the estray law of 1897, p. 198. For acts relating to particular localities, see particular title.

TITLE 201.**HOLIDAYS.****ACT 1469.**

An act authorizing boards of supervisors or other governing bodies of municipalities to declare holidays.

[Approved March 23, 1901. Stats. 1901, 658.]

The people of the state of California, represented in senate and assembly, do enact as follows:

Section 1. The board of supervisors or other governing body of any county, town, city, or city and county, may declare the day on which a primary or other election is held in such municipality to be a holiday therein.

TITLE 202.**HOLLISTER.****ACT 1474.**

Incorporating. [Stats. 1873-4, p. 675.]

Superseded by incorporating under statute of 1883, in 1901.

TITLE 203.**HOME OF ADULT BLIND.****ACT 1476.**

Appropriating money for the establishment and management of the industrial home of mechanical trades for the adult blind. [Stats. 1885, p. 18.]

Superseded 1887, 160, chap. CXLVIII.

ACT 1489.

Establishing an industrial home of mechanical trades for the adult blind, and creating a board of directors for the government thereof. [Stats. 1887, p. 160.]

Amended 1889, 147.

TITLE 204.**HOMESTEADS.****ACT 1485.**

In relation to homesteads. [Stats. 1867-8, 116.]

Superseded by Civil Code, secs. 1237-1269.

Cal.Rep.Cit. 46, 266; 47, 80; 71, 508.

ACT 1486.

Extending the privileges of the homestead law to certain persons. [Stats. 1860, 87.]

Cal.Rep.Cit. 102, 497; 102, 500; 119, 372.

This act extended the law to unmarried men and women and to widows and widowers. The homestead acts are superseded by Civil Code, secs. 1237 et seq.

ACT 1487.

Alienating or incumbering. [Stats. 1873-4, p. 582.]

Cal.Rep.Cit. 108, 220; 114, 670; 126, 25.

This act appears in full in Civil Code, Appendix, p. 718. It provided for the alienation of the homestead in case of the insanity of either husband or wife.

TITLE 205.

HOMESTEAD CORPORATIONS.

ACT 1492.

To authorize formation of homestead corporations. [Stats. 1861, p. 567.]

Repealed. See note to act 632, ante. See supplementary act of 1873-4, 525, which appears in full in Civil Code, Appendix, p. 720.

Cal.Rep.Cit. 131, 341.

TITLE 206.

HOMING PIGEONS.

ACT 1497.

An act for the protection of the Antwerp messenger, or homing pigeon.

[Approved February 26, 1897. Stats. 1897, 37.]

The people of the state of California, represented in senate and assembly, do enact as follows:

Section 1. It shall be unlawful for any person, other than the owner thereof, to shoot, maim, or kill any Antwerp messenger, or homing pigeon, either in flight or at rest.

Sec. 2. It shall be unlawful for any person, other than the owner thereof, to forcibly entrap or detain any Antwerp messenger, or homing pigeon.

Sec. 3. Any person who shall violate any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof, for every such offense, shall be punished by a fine of not less than ten (10) or more than

twenty-five (25) dollars, or by imprisonment in the county jail for a term not exceeding fifty (50) days.

Sec. 4. This act shall take effect and be in force from and after its passage.

TITLE 207.

HOPS.

ACT 1502.

An act fixing rate of tare on baled hops.

[Approved March 31, 1891. Stats. 1891, p. 452.]

Section 1. There shall be allowed on baled hops a tare at the rate of two per centum of the weight of the bale for the cloth and other material used in baling; that is, the tare shall be at the rate of two pounds per hundred on the weight of the bale.

Sec. 2. This act shall take effect and be in force from and after its passage.

TITLE 208.

HORNITOS.

ACT 1507.

Incorporating town of. [Stats. 1869-70, p. 471.]

TITLE 209.

HORTICULTURE.

See Agriculture; Forestry; Viticulture.

ACT 1512.

To create and establish a state board of horticulture, and appropriate money for the expenses thereof. [Approved March 13, 1883; 1883, 289.]

Amended 1885, 4; 1889, 8, 89. Repealed 1903, 524.

ACT 1513.

An act to create a state commission of horticulture, to provide for a state commissioner of horticulture, and prescribe his powers, duties and compensation, and to provide methods, means and penalties for the enforcement of such powers and duties, and appropriating money for the use and support and to pay the expenses thereof, and to repeal chapter sixty-three of the laws of eighteen hundred and eighty-three, chapter

seven of the laws of eighteen hundred and eighty-five, chapter eighty-six of the laws of eighteen hundred and eighty-nine, and chapter one hundred and ninety-four of the laws of eighteen hundred and ninety-one.
[Approved March 25, 1903. Stats. 1903, 524.]

The people of the state of California, represented in senate and assembly, do enact as follows:

Section 1. The office of state commissioner of horticulture of California is hereby created. It shall be the duty of the governor, within forty days after the passage of this act, to appoint a citizen and resident of this state to hold said office of state commissioner of horticulture, who must at the date of his appointment be a skilled horticulturist and entomologist. The term of office shall be for four years, and until a successor is appointed and qualified. The governor may remove such commissioner from office at any time, upon filing with the secretary of state a certificate of removal signed by the governor. In case of a vacancy in said office by death, resignation, removal from office, or other cause, the governor shall fill the vacancy for the unexpired term. The salary of said commissioner shall be two hundred and fifty dollars per month, and he shall be allowed in addition a sum not to exceed five hundred dollars yearly for traveling and incidental expenses necessary in the discharge of his duties herein provided for. Such commissioner may appoint a clerk at a salary of one thousand five hundred dollars per year, who shall perform the duties required of him by such commissioner. In appointing such commissioner and his successor or successors, it shall be the duty of the governor to disregard political affiliations, and be guided in his selection entirely by the professional and moral qualifications of the person so selected for the performance of the duties of said office. The office of said commissioner shall be kept open every day except holidays, and shall be in charge of the clerk during the absence of such commissioner. The main office of such commissioner shall be at the city of Sacramento. The secretary of state shall furnish and set aside in the capitol a room or rooms suitable for offices for said commissioner, and if the secretary of state shall make and file an affidavit with the said commissioner stating that it is not possible for him, as such secretary of state, to provide and set aside an office for said commissioner

twenty-five (25) dollars, or by imprisonment in the county jail for a term not exceeding fifty (50) days.

Sec. 4. This act shall take effect and be in force from and after its passage.

TITLE 207.

HOPS.

ACT 1502.

An act fixing rate of tare on baled hops.

[Approved March 31, 1891. Stats. 1891, p. 452.]

Section 1. There shall be allowed on baled hops a tare at the rate of two per centum of the weight of the bale for the cloth and other material used in baling; that is, the tare shall be at the rate of two pounds per hundred on the weight of the bale.

Sec. 2. This act shall take effect and be in force from and after its passage.

TITLE 208.

HORNITOS.

ACT 1507.

Incorporating town of. [Stats. 1869-70, p. 471.]

TITLE 209.

HORTICULTURE.

See Agriculture; Forestry; Viticulture.

ACT 1512.

To create and establish a state board of horticulture, and appropriate money for the expenses thereof. [Approved March 13, 1883; 1883, 289.]

Amended 1885, 4; 1889, 8, 89. Repealed 1903, 524.

ACT 1513.

An act to create a state commission of horticulture, to provide for a state commissioner of horticulture, and prescribe his powers, duties and compensation, and to provide methods, means and penalties for the enforcement of such powers and duties, and appropriating money for the use and support and to pay the expenses thereof, and to repeal chapter sixty-three of the laws of eighteen hundred and eighty-three, chapter

seven of the laws of eighteen hundred and eighty-five, chapter eighty-six of the laws of eighteen hundred and eighty-nine, and chapter one hundred and ninety-four of the laws of eighteen hundred and ninety-one. [Approved March 25, 1903. Stats. 1903, 524.]

The people of the state of California, represented in senate and assembly, do enact as follows:

Section 1. The office of state commissioner of horticulture of California is hereby created. It shall be the duty of the governor, within forty days after the passage of this act, to appoint a citizen and resident of this state to hold said office of state commissioner of horticulture, who must at the date of his appointment be a skilled horticulturist and entomologist. The term of office shall be for four years, and until a successor is appointed and qualified. The governor may remove such commissioner from office at any time, upon filing with the secretary of state a certificate of removal signed by the governor. In case of a vacancy in said office by death, resignation, removal from office, or other cause, the governor shall fill the vacancy for the unexpired term. The salary of said commissioner shall be two hundred and fifty dollars per month, and he shall be allowed in addition a sum not to exceed five hundred dollars yearly for traveling and incidental expenses necessary in the discharge of his duties herein provided for. Such commissioner may appoint a clerk at a salary of one thousand five hundred dollars per year, who shall perform the duties required of him by such commissioner. In appointing such commissioner and his successor or successors, it shall be the duty of the governor to disregard political affiliations, and be guided in his selection entirely by the professional and moral qualifications of the person so selected for the performance of the duties of said office. The office of said commissioner shall be kept open every day except holidays, and shall be in charge of the clerk during the absence of such commissioner. The main office of such commissioner shall be at the city of Sacramento. The secretary of state shall furnish and set aside in the capitol a room or rooms suitable for offices for said commissioner, and if the secretary of state shall make and file an affidavit with the said commissioner stating that it is not possible for him, as such secretary of state, to provide and set aside an office for said commissioner

in the capitol, or in any state building under his control, because there is no such office room or rooms available, then, and after the making and delivery of such affidavit to such commissioner, the said commissioner may rent rooms convenient and suitable for his offices under this act, at a rental not to exceed five hundred dollars per year. Said commissioner may also keep and maintain an office in the city and county of San Francisco at a yearly rental not to exceed the sum of five hundred dollars, and may appoint a deputy commissioner who shall be an expert entomologist and horticulturist, to have charge of said office under said commissioner, and to perform any and all duties which said commissioner may require of him under this act, and shall fix the monthly compensation of such deputy at \$200 per month. Such deputy shall hold his position during the pleasure of such commissioner, and may be removed from his office or position at any time by said commissioner filing with the secretary of state a certificate signed by said commissioner so removing such deputy. Said commissioner may also appoint, by and with the approval of the governor, such temporary deputies from time to time as may be required for quarantine purposes under this act, and such temporary deputies shall receive such compensation per diem as may be specified in the writing so approving such appointment. If there be not sufficient furniture and office appliances turned over to such commissioner by the state board of horticulture heretofore existing, to furnish and equip properly the office or offices for such commissioner at Sacramento and San Francisco aforesaid, the said commissioner may, by and with the approval of the governor, purchase for the use of his said office or offices such furniture and appliances as may be necessary therefor, and from time to time, at an expense not to exceed a sum to be mentioned in such approval, which expense, together with all other expenses authorized by this act, is hereby allowed for the purposes specified.

Sec. 2. Upon taking office under this act such commissioner shall be entitled to receive and have turned over to him as such commissioner all the books, records, and property in the possession, charge, custody or control of the state board of horticulture heretofore existing, and all such property shall be delivered to such commissioner

upon demand. Such commissioner shall be deemed for such purposes the successor of said board.

Sec. 3. Such commissioner shall collect books, pamphlets and periodicals and other documents containing information relating to horticulture, and shall preserve the same; collect statistics and other information showing the actual condition and progress of horticulture in this state and elsewhere; correspond with horticultural societies, colleges and schools, and with the county boards of horticulture existing or that may exist in this state, and with all other persons necessary to secure the best results to horticulture in this state. He shall require reports from county boards of horticulture in this state, and may print the same or any part thereof as he may select, either in the form of bulletins or in his annual report, or both, as he shall deem proper. He shall issue and cause to be printed and distributed to county boards of horticulture in this state, and to all other persons whom he may deem proper, bulletins or statements containing all the information best adapted to promote the interest and protect the business and development of horticulture in this state. Such commissioner shall be deemed to be the state horticultural quarantine officer mentioned in chapter seventy-six of the laws of eighteen hundred and ninety-nine, for the purposes of that act, and shall be empowered to perform the duties which under that act are to be performed by the state horticultural quarantine officer; provided, that any inspection therein authorized, when made by such commissioner, must be with the approval of the governor, and as provided by this act.

Sec. 4. Said commissioner may, by and with the approval of the governor, establish, maintain and enforce such quarantine regulations as may be deemed necessary to protect the nurseries, trees, shrubs, plants, vines, cuttings, grafts, clones, buds, fruit-pits, fruit, vegetables, or other articles of horticulture, against contagion or infection by injurious disease, insects or pests, by establishing such quarantine at the boundaries of this state or elsewhere within the state, and he may make and enforce, with the approval of the governor, any and all such rules and regulations as may be deemed necessary to prevent any infected stock, tree, shrub, plant, vine, cutting, graft, clone, bud, fruit-pit, fruit, vegetable, or other article of horticul-

ture, from passing over any quarantine line established and proclaimed pursuant to this act, and all such articles shall, during the maintenance of such quarantine, be inspected by such commissioner or by a deputy appointed in writing by said commissioner with the approval of the governor, and he or the deputy so conducting such inspection shall not permit any such article to pass over such a quarantine line during such quarantine, except upon a certificate of inspection signed by such commissioner or in his name by such a deputy who has made such inspection, unless such article has been immediately prior to such passage inspected by an officer or agent of the United States entitled to inspect the same, and such officer or agent has granted permission for such passage. All approvals by the governor given or made pursuant to this act shall be in writing and signed by the governor in duplicate, and one copy thereof shall be filed in the office of the secretary of state and the other in the office of said commissioner before such approval shall take effect.

Sec. 5. Upon information received by such commissioner of the existence of any infectious disease, insect or pest, dangerous to any such article, or to the interest of horticulture within this state, or that there is a probability of the introduction of any such infectious disease, insect or pest into this state or across the boundaries thereof, he shall proceed to thoroughly investigate the same, and may, by and with the approval of the governor, establish, maintain and enforce quarantine as hereinbefore provided, with such regulations as may be necessary to circumscribe and exterminate or eradicate such infectious diseases, insects or pests, and prevent the extension thereof, and is hereby authorized to enter upon any grounds or premises, and inspect any stock, tree, shrub, plant, vine, cutting, graft, cion, bud, fruit-pit, fruit, vegetable, or other article of horticulture, or implement thereof, or box or package pertaining thereto, or connected therewith, or that has been used in packing, shipping or handling the same, and to open any such package, and generally to do, with the least injury possible under the conditions to property or business, all acts and things necessary to carry out the provisions of this act.

Sec. 6. Upon the discovery of any such infectious disease, insects or pests, such commissioner shall immediately

upon demand. Such commissioner shall be deemed for such purposes the successor of said board.

Sec. 3. Such commissioner shall collect books, pamphlets and periodicals and other documents containing information relating to horticulture, and shall preserve the same; collect statistics and other information showing the actual condition and progress of horticulture in this state and elsewhere; correspond with horticultural societies, colleges and schools, and with the county boards of horticulture existing or that may exist in this state, and with all other persons necessary to secure the best results to horticulture in this state. He shall require reports from county boards of horticulture in this state, and may print the same or any part thereof as he may select, either in the form of bulletins or in his annual report, or both, as he shall deem proper. He shall issue and cause to be printed and distributed to county boards of horticulture in this state, and to all other persons whom he may deem proper, bulletins or statements containing all the information best adapted to promote the interest and protect the business and development of horticulture in this state. Such commissioner shall be deemed to be the state horticultural quarantine officer mentioned in chapter seventy-six of the laws of eighteen hundred and ninety-nine, for the purposes of that act, and shall be empowered to perform the duties which under that act are to be performed by the state horticultural quarantine officer; provided, that any inspection therein authorized, when made by such commissioner, must be with the approval of the governor, and as provided by this act.

Sec. 4. Said commissioner may, by and with the approval of the governor, establish, maintain and enforce such quarantine regulations as may be deemed necessary to protect the nurseries, trees, shrubs, plants, vines, cuttings, grafts, clons, buds, fruit-pits, fruit, vegetables, or other articles of horticulture, against contagion or infection by injurious disease, insects or pests, by establishing such quarantine at the boundaries of this state or elsewhere within the state, and he may make and enforce, with the approval of the governor, any and all such rules and regulations as may be deemed necessary to prevent any infected stock, tree, shrub, plant, vine, cutting, graft, clon, bud, fruit-pit, fruit, vegetable, or other article of horticul-

portion thereof; the governor shall issue his proclamation proclaiming the boundaries of such quarantine, and the nature thereof, and the orders, rules or regulations prescribed for the maintenance and enforcement of the same, and shall publish such proclamation in such manner as he may deem expedient to give proper notice thereof.

Sec. 8. The said state commissioner shall be ex-officio a member of all county boards of horticulture existing or that may be created or exist in this state pursuant to law, whenever he is present and acting with said county board within the county where such county board exists, but when he is not so present in such a county, acting with such county board, then the said county board shall have all the power and authority conferred on it by law, and may exercise such power by the action of the members of such county board or a majority thereof. The reports which county boards of horticulture are required by law to make, or which they may desire to make, shall, after the passage of this act, be made to the state commissioner of horticulture.

Sec. 9. It shall be the duty of the superintendent of state printing to print and deliver to the state commissioner of horticulture, upon the written request of said commissioner, all such bulletins, orders, rules, regulations, statements, reports, and other printed matter, as the said commissioner may deem necessary to have and use for carrying out the purposes of this act, and it shall be the duty of the secretary of state to cause to be prepared and furnished to such state commissioner all stationery, paper, blank forms, envelopes, and writing material needful and convenient for use in the office of such commissioner.

Sec. 10. It shall be the duty of said state commissioner to report in the month of January in each even-numbered year to the governor, and in each odd-numbered year to the legislature of this state, such matters as he may deem expedient or as may be required either by the governor or legislature, and to include a statement of all the persons employed, and of moneys expended under this act, by itemized statement thereof.

Sec. 11. Any person willfully refusing to comply with orders lawfully made under and pursuant to this act shall be guilty of a misdemeanor, and upon conviction shall be fined not to exceed five hundred dollars.

Sec. 12. All moneys paid under this act shall be paid by the state treasurer from moneys appropriated for the support of the state commissioner of horticulture, and expenses other than the salary of the commissioner, the compensation of his clerk and deputy commissioner, as allowed and provided by this act, must be certified by the said commissioner and be approved by the state board of examiners before being audited or paid. Any moneys remaining of any appropriation heretofore made or that may be appropriated for the use or support of the state board of horticulture are hereby appropriated to the support of the state commission of horticulture, and are directed to be applied to the payment of claims and expenses under this act.

Sec. 13. The sum of four thousand dollars is hereby appropriated for the use and support and to pay the expenses of the state commission of horticulture for the fiscal years commencing July first, nineteen hundred and three, and July first, nineteen hundred and four, under this act.

Sec. 14. Chapter sixty-three of the laws of eighteen hundred and eighty-three, chapter seven of the laws of eighteen hundred and eighty-five, chapter eighty-six of the laws of eighteen hundred and eighty-nine, and chapter one hundred and ninety-four of the laws of eighteen hundred and ninety-one, are hereby repealed.

Sec. 15. This act shall take effect immediately.

ACT 1514.

To protect and promote the horticultural interests of the state. [Stats. 1881, p. 86.]

Amended 1889, 413; 1891, 268. Repealed 1897, 244.

Cal.Rep.Cit. 133, 325.

ACT 1515.

An act to promote the horticultural interests of the state by providing county boards of horticulture, and repealing the act entitled "An act to protect and promote the horticultural interests of the state," approved March 14, 1881, and certain acts amendatory thereof, approved March 19, 1889, and March 31, 1891.

[Approved March 31, 1897. Stats. 1897, p. 244.]

The people of the state of California, represented in senate and assembly, do enact as follows:

Section 1. Whenever a petition is presented to the board of supervisors of any county, and signed by twenty-five or more persons, each of whom is a resident freeholder and possessor of an orchard, stating that certain or all orchards, or nurseries, or trees of any variety are infested with scale insects of any kind, injurious to fruit, fruit-trees, and vines, codlin moth, or other insects that are destructive to trees, and praying that a commission be appointed by them, whose duty it shall be to supervise the destruction of said scale insects, as herein provided, the board of supervisors shall, within twenty days thereafter, appoint a board of horticultural commissioners, consisting of three members, who shall be qualified for the duties of horticultural commissioner. Upon the petition of twenty-five resident freeholders and possessors of an orchard, the board of supervisors may remove any of said commissioners for cause, after a hearing of the petition.

Sec. 2. It shall be the duty of the county board of horticultural commissioners in each county, whenever it shall deem it necessary, to cause an inspection to be made of any orchards, or nursery, or trees, plants, vegetables, vines, or fruits, or any fruit packing-house, storeroom, salesroom, or any other place or articles in their jurisdiction, and if found infested with scale insects, or codlin moth, or other pests injurious to fruit, plants, vegetables, trees, or vines, or with their eggs, or larvæ, they shall notify the owner or owners, or person or persons in charge, or in possession of the said places or orchards, or nurseries, or trees, or plants, vegetables, vines, or fruit, or article as aforesaid that the same are infested with said insects, or other pests, or any of them, or their eggs or larvæ, and they shall require such person or persons, to eradicate or destroy the said insects, or other pests, or their eggs or larvæ within a certain time to be specified. Said notices may be served upon the person or persons, or either of them owning or having charge, or having possession of such infested place, or orchard, or nursery, or trees, plants, vegetables, vines, or fruit, or articles, as aforesaid, by any commissioner, or by any person deputed by the said commissioners for that purpose, or they may be served in the same manner as a summons in a civil action. Any and all such places, or orchards, or nurseries, or trees, plants, shrubs, vegetables,

vines, fruit, or articles thus infested, are hereby adjudged and declared to be a public nuisance; and whenever any such nuisance shall exist at any place within their jurisdiction, or on the property of any non-resident, or on any property the owner or owners of which cannot be found by the county board of horticultural commissioners, after diligent search, within the county, or on the property of any owner or owners upon which notice aforesaid has been served, and who shall refuse or neglect to abate the same within the time specified, it shall be the duty of the county board of horticultural commissioners to cause said nuisance to be at once abated, by eradicating or destroying said insects, or other pests, or their eggs, or larvæ. The expense thereof shall be a county charge, and the board of supervisors shall allow and pay the same out of the general fund of the county. Any and all sum or sums so paid shall be and become a lien on the property and premises from which said nuisance has been removed or abated, in pursuance of this act, and may be recovered by an action against such property and premises. A notice of such lien shall be filed and recorded in the office of the county recorder of the county in which the said property and premises are situated, within thirty days after the right to the said lien has accrued. An action to foreclose such lien shall be commenced within ninety days after the filing and recording of said notice of lien, which action shall be brought in the proper court by the district attorney of the county in the name and for the benefit of the county making such payment or payments, and when the property is sold enough of the proceeds shall be paid into the county treasury of such county to satisfy the lien and costs; and the overplus, if any there be, shall be paid to the owner of the property if he be known, and if not, into the court for his use when ascertained. The county board of horticultural commissioners is hereby vested with the power to cause any and all such nuisances to be at once abated in a summary manner.

Sec. 3. Said county boards of horticultural commissioners shall have power to divide the county into districts, and to appoint a local inspector, to hold office at the pleasure of the commissioners, for each of said districts. The state board of horticulture may issue commissions as quar-

antime guardians to the members of said county board of horticultural commissioners, and to the local inspectors thereof. The said quarantine guardians, local inspectors, or members of said county boards of horticultural commissioners, shall have full authority to enter into any orchard, nursery, place or places where trees or plants are kept and offered for sale or otherwise, or any house, store-room, salesroom, depot, or any other such place in their jurisdiction to inspect the same, or any part thereof.

Sec. 4. It shall be the duty of said county board of horticultural commissioners to keep a record of their official doings, and to make a report to the state board of horticulture, on or before the first day of October of each year, of the condition of the fruit interests in their several districts, what is being done to eradicate insect pests, also as to disinfecting, and as to quarantine against insect pests and diseases, and as to carrying out all laws relative to the greatest good of the fruit interest. Said board may publish said reports in bulletin form, or may incorporate so much of the same in their annual reports as may be of general interest.

Sec. 5. The salary of all inspectors working under the county board of horticultural commissioners shall be two dollars and fifty cents (\$2.50) per day. In the case of the commissioners themselves, their compensation shall be four dollars per day, when actually engaged in the performance of their duties, and itemized necessary traveling expenses incurred in the discharge of their regular duties as prescribed in this act.

Sec. 6. It shall be the duty of the county board of horticultural commissioners to keep a record of their official doings and make a monthly report to the board of supervisors; and the board of supervisors may withhold warrants for salaries of said members and inspectors thereof until such time as said report is made.

Sec. 7. An act entitled "An act to protect and promote the horticultural interests of the state," approved March fourteenth, eighteen hundred and eighty-one, and certain acts amendatory thereof, approved March nineteenth, eighteen hundred and eighty-nine, and March thirty-first, eighteen hundred and ninety-one, are hereby repealed.

Sec. 8. This act shall take effect and be in force from and after its passage.

ACT 1516.

To prevent the spreading of fruit and fruit-tree pests and diseases, and to provide for their extirpation. [Approved March 9, 1885. Stats. 1885, 40.]

Superseded 1889, 91.

ACT 1517.

For the protection of horticulture, and to prevent the introduction into this state of insects, or diseases or animals injurious to fruit or fruit-trees, vines, bushes, or vegetables, and to provide for a quarantine for the enforcement of this act. [Stats. 1899, p. 91.]

Amended 1903, 32.

TITLE 210.**HOSPITALS.****ACT 1522.**

Conferring power upon the governing body of municipal corporations of the first class to provide for the erection of a municipal hospital, and to levy a tax therefor. [Approved February 16, 1897. Stats. 1897, p. 9.]

ACT 1523.

An act to provide for the licensing and inspecting of maternity hospitals, lying-in asylums and homes for children; defining the duties of persons conducting the same; and the duties and powers of the county boards of health or county health officers and other health officers in relation thereto, and providing a penalty for the violation of its provisions.

[Approved March 20, 1903. Stats. 1903, p. 317.]

The people of the state of California, represented in senate and assembly, do enact as follows:

Section 1. Any person who, without first having obtained a license in writing so to do from the county board of health or county health officers, as hereinafter provided, manages, conducts, establishes or maintains within any county or city and county in this state any maternity hospital or lying-in asylum where females may be received, cared for or treated during pregnancy, or during or after delivery; or manages, conducts, establishes or maintains within any county or city and county in this state any institution, boarding-house, home or other place for the

reception or care of children, or keeps, at any such place, any child under the age of twelve years, not his relative, apprentice, or ward, without legal commitment; or neglects, refuses or omits to comply with the provisions of this act, or who violates the provisions of such act, is guilty of a misdemeanor.

Sec. 2. For such places within the limits of their respective territorial jurisdictions, the county board of health in all counties or city and county governments, having a county board of health, and in all other counties or city and county governments, the county health officer shall have power to issue licenses, and every such license must specify the name and residence of the person so undertaking the care of such females or children; and the location within the county or city and county of the place where the same are kept and the number of females or children thereby allowed to be received, boarded or kept therein, and shall be revocable for cause by the said county board of health or county health officer, as the case may be, in any case where the provisions of this act are violated, or in any case where, in the opinion of such county board of health or such county health officer, such hospital, asylum, institution, home, boarding-house or other place is being managed, conducted or maintained without proper regard for the health, comfort or morality of the inmates thereof, or without due regard or proper sanitation or hygiene.

Sec. 3. Every person so licensed must keep a register, wherein he shall enter the names and addresses of all such females, the names and ages of all such children, and of all children born on the premises, and the names and residences of their parents, so far as is known, and the time of the reception and discharge of such children and the reasons therefor, and also the name and age of every child who is given out, adopted, taken away, or indentured from such place, to or by any person, together with the name and residence of the person so adopting, taking away or indenturing such child; and within forty-eight hours after such child is so given out, taken away or indentured, shall cause a correct copy of the register relating to such child to be sent to the county board of health or county health officer, as the case may be.

Sec. 4. It shall be lawful for the officers and repre-

representatives of such county board of health, or for such county health officers and their representatives, and for all health officers, at all reasonable times, to enter and inspect the premises wherein such females and children are so boarded, received or kept, and to call for and inspect the license and the register and to also to see and visit such children and females.

TITLE 211.**HOTELS.****ACT 1523.**

An act to regulate the use of illuminating gas.

[Approved March 20, 1903. Stats. 1903, 289.]

The people of the state of California, represented in senate and assembly, do enact as follows:

Section 1. Every hotel-keeper, lodging-house keeper, and inn-keeper, or keeper of any place where rooms are let to lodgers in which, or any of which such places illuminating gas is used, who shall turn off, or cause to be turned off at the meter the flow of such illuminating gas, during the time of the use of any such room or rooms, shall be guilty of a misdemeanor; provided, however, that this act shall not apply to any of the persons herein enumerated, when such person or persons shall have connected every exit orifice upon the gas fixtures used in such place or places with a practical and safe automatic gas igniter.

Sec. 2. This act shall take effect and be in force immediately from and after its passage.

TITLE 212.**HOURS OF LABOR.**

Of minors, see title Infancy, post.

ACT 1533.

To limit the hours of labor. [Stats. 1867-8, 63.]

Superseded by Political Code, secs. 3244, 3245, and Penal Code, sec. 651.

ACT 1534.

Limiting the hours of daily services of laborers, workmen, and mechanics employed upon the public works of or work done for the state of California, or any

political subdivision thereof; providing for the insertion of certain stipulations in contracts for public works, imposing penalties for violations of the provisions of this act, and providing for the enforcement thereof. [Stats. 1899, 149.]

Superseded by the following act:—

ACT 1535.

An act limiting the hours of daily service of laborers, workmen, and mechanics employed upon the public works of, or work done for, the state of California, or any political subdivision thereof; providing for the insertion of certain stipulations in contracts for public works; imposing penalties for violations of the provisions of this act, and providing for enforcement thereof.

[Approved March 23, 1901. Stats. 1901, 561.]

The people of the state of California, represented in senate and assembly, do enact as follows:

Section 1. The time of service of all laborers, workmen, and mechanics employed upon any public works of, or work done for, the state of California, or for any political subdivision thereof, whether said work is done by contract or otherwise, is hereby limited and restricted to eight hours in any one calendar day; and it shall be unlawful for any officer of the state, or of any political subdivision thereof, or for any person, corporation, or association acting in behalf thereof, whose duty it shall be to employ, or to direct and control the services of such said laborers, workmen, or mechanics upon any of the above said public works, or who have, in fact, the employment, or the direction and control of the services of such said laborers, workmen, or mechanics upon any of said works, to require or permit them, or any of them, to labor thereupon more than eight hours in any one calendar day, except in cases of extraordinary emergency caused by fire, flood, or danger to life, property, or except to work upon public, military, or naval works or defenses in time of war.

Sec. 2. In every case in which a contract is made for or on behalf of the state of California, or for or on behalf of any political subdivision thereof, which involves the employment of laborers, workmen, or mechanics to do work to be done upon the public works of, or work to be done for the said state, or for the said political subdivision

thereof, under the terms of said contract, the officer, board, commission, or other agent or agency of the said state, or of the said political subdivision, acting for or on behalf of said state, or of said political subdivision, as the case may be, in making and awarding the said contract, shall cause to be inserted therein, and to be agreed to by every person, firm, or corporation to whom said contract or any interest therein is awarded, as a condition upon which such award is made and accepted, a stipulation, namely: That no laborer, workman, or mechanic employed at any time by the said contractor or contractors, or by any sub-contractor or sub-contractors under him or under them, upon the work, or upon any part of the work contemplated by the said contract, shall be required or permitted to work thereupon more than eight hours in any one calendar day, except in cases of extraordinary emergency caused by fire, flood, or danger to life or property, or except to work upon public, military, or naval works or defenses in time of war; that the said contractor or contractors thereby agrees or agree to forfeit, out of any moneys becoming due to him or to them from the state, or from the political subdivision thereof, as the case may be, under the terms of the said contract, the sum of ten dollars for each laborer, workman, or mechanic, for each and every calendar day upon which he shall labor more than eight hours in violation of the terms of the said stipulation, and that the state, or the political subdivision thereof, as the case may be, is thereby authorized and directed to, through its proper representatives, withhold from the said contractor, or from the said contractors, as the property of the state, or of the political subdivision thereof, as the case may be, all sums forfeited as described under the terms of the said stipulation. It shall be the duty of the officer, board, commission, or other agent or agency of the said state, or of the said political subdivision thereof, as the case may be, acting for or on behalf of said state, or of said political subdivision, in making and awarding any contract such as is described in this section, to take cognizance of all violation of the herein provided for stipulation in said contract, and to report the same to the officer, or other person, representing the said state, or political subdivision thereof, whose duty it shall be to pay the moneys due under such contract, and it shall be the

duty of such officer, or other person, when making payment of moneys thus due, to withhold and retain, in accordance with the provisions of this section, all sums which may have been forfeited under the provisions of the herein provided for stipulation. Nothing in this act shall be construed to authorize the collection of a forfeiture as described herein, from the state, or from any political subdivision thereof. Any contract such as is described in this section, made for or on behalf of the state of California, or for or on behalf of any political subdivision thereof, which does not contain the stipulation herein described, shall be null and void, and no recovery shall be had thereupon.

Sec. 3. Any officer of the state of California, or any political subdivision thereof, or any person acting for or on behalf thereof, who shall violate the provisions of this act, shall be deemed guilty of a misdemeanor, and be subject to a fine or imprisonment, or both, at the discretion of the court, the fine not to exceed five hundred dollars, nor the imprisonment one year.

Sec. 4. All acts and parts of acts inconsistent with this act, in so far as they are inconsistent, are hereby repealed.

Sec. 5. This act shall take effect and be in force from and after its passage.

This act was probably superseded in part, if not entirely, by the following act:—

ACT 1534.

An act limiting the hours of service of laborers, workmen, and mechanics employed upon the public works of, or work done for, the state of California; or of, or for any political subdivision thereof; imposing penalties for violation of the provisions of said act, and providing for the enforcement thereof.

[Approved March 10, 1903. Stats. 1903, p. 119.]

The people of the state of California, represented in senate and assembly, do enact as follows:

Section 1. The time of service of any laborer, workman, or mechanic employed upon any of the public works of the state of California, or of any political subdivision thereof, or upon work done for said state, or any political subdivision thereof, is hereby limited and restricted to eight

hours during any one calendar day; and it shall be unlawful for any officer or agent of said state, or of any political subdivision thereof, or for any contractor or sub-contractor doing work under contract upon any public works aforesaid, who employs, or who directs or controls, the work of any laborer, workman, or mechanic, employed as herein aforesaid, to require or permit such laborer, workman, or mechanic, to labor more than eight hours during any one calendar day, except in cases of extraordinary emergency, caused by fire, flood, or danger to life or property, or except to work upon public military or naval defenses or works in time of war.

Sec. 2. Any officer or agent of the state of California, or of any political subdivision thereof, making or awarding, as such officer or agent, any contract, the execution of which involves or may involve the employment of any laborer, workman, or mechanic upon any of the public works, or upon any work, hereinbefore mentioned, shall cause to be inserted therein a stipulation which shall provide that the contractor to whom said contract is awarded shall forfeit, as a penalty, to the state or political subdivision in whose behalf the contract is made and awarded, ten (10) dollars for each laborer, workman, or mechanic employed, in the execution of said contract, by him, or by any sub-contractor under him, upon any of the public works, or upon any work, hereinbefore mentioned, for each calendar day during which such laborer, workman, or mechanic is required or permitted to labor more than eight hours in violation of the provisions of this act; and it shall be the duty of such officer or agent to take cognizance of all violations of the provisions of said act committed in the course of the execution of said contract, and to report the same to the representative of the state or political subdivision, party to the contract, authorized to pay to said contractor moneys becoming due to him under the said contract, and said representative, when making payments of moneys thus due, shall withhold and retain therefrom all sums and amounts which shall have been forfeited pursuant to the herein said stipulation.

Sec. 3. Any officer, agent, or representative of the state of California, or of any political subdivision thereof, who shall violate any of the provisions of this act, shall be deemed guilty of misdemeanor, and shall upon conviction

be punished by fine not exceeding five hundred (500) dollars, or by imprisonment, not exceeding six (6) months, or by both such fine and imprisonment, in the discretion of the court.

Sec. 4. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

Sec. 5. This act shall take effect and be in force from and after the date of its passage

TITLE 213.

HOUSE OF CORRECTION.

ACT 1540.

To provide for commitments to the house of correction.
[Stats. 1885, p. 34.]

Superseded 1889, 111, chap. CVIII; 1889, 100, chap. CIII.
Cal.Rep.Cit. 87, 83.

TITLE 214.

HOUSES OF PROSTITUTION.

ACT 1545.

To suppress houses of ill-fame. [Stats. 1855, p. 76.]
Superseded by Penal Code, secs. 315, 316.

TITLE 215.

HUMBOLDT BAY.

ACT 1550.

To prevent persons from obstructing the channels of Humboldt Bay and Harbor. [Stats. 1853, p. 192.]

Superseded by Political Code, secs. 2567-2572, relating to harbor commissioners of Eureka.

ACT 1551.

To grant to the United States certain tide-lands belonging to the state of California, for the purpose of improving the harbor of Humboldt Bay. [Approved March 9, 1887. Stats. 1887, p. 59.]

ACT 1552.

To grant to the United States certain tide-lands belonging to the state of California, for the purpose of improving the harbor of Humboldt Bay. [Approved March 15, 1889. Stats. 1889, p. 201.]

ACT 1553.

Authorizing the governor and attorney-general to purchase for the state certain lands in Humboldt Bay. [Stats. 1899, p. 166.]

TITLE 216.

HUMBOLDT COUNTY.

ACT 1553.

Clerk of, compensation of. [Stats. 1875-6, p. 81.]

Repealed by County Government Act, 1897, 518, sec. 168.

ACT 1559.

District attorney of, salary of. [Stats. 1875-6, p. 34.]

Superseded by County Government Act, 1897, 518, sec. 168.

ACT 1560.

Dependent poor and indigent sick of, relief and maintenance of. [Stats. 1875-6, p. 41.]

Supplemented 1875-6, 438. Superseded by County Government Act, 1897, 452.

ACT 1561.

To provide an additional judge for. [Stats. 1895, p. 27.]

ACT 1562.

Jurors in courts of justice of the peace in. [Stats. 1873-4, p. 229.]

As to jurors' fees, repealed 1895, 273.

ACT 1563.

Providing for the scaling of logs in. [Stats. 1877-8, p. 779.]

ACT 1564.

Additional notaries public. [Stats. 1871-2, p. 159.]

Superseded by Political Code, sec. 791.

This act provided for the appointment of three additional notaries.

ACT 1565.

Fixing compensation of certain officers of. [Stats. 1873-4, p. 109.]

Repealed by County Government Act, 1897, 518, sec. 168.

ACT 1566.

Concerning roads of. [Stats. 1871-2, p. 105.]

Amended 1873-4, 103. Modified, if not superseded, by County Government Act, 1897, 452, and by sec. 2, Stats. 1883, p. 5, chap. X.

ACT 1567.

Roads in. [Stats. 1875-6, p. 477.]

Repealed 1883, 5, chap. X, sec. 2.

ACT 1568.

Sheriff, concerning office of. [Stats. 1871-2, p. 797.]

Repealed by County Government Act, 1897, 518, sec. 168.

This act allowed the sheriff compensation for his services as jailer.

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ACT 1569.

Supervisors, fixing number of. [Stats. 1875-6, p. 333.]

Repealed by the County Government Act, 1897, 452.

ACT 1570.

To provide for the disposal of lots in the towns and villages on the public lands in the county of Humboldt. [Stats. 1855, p. 168.]

This act was passed to carry out the provisions of the federal statutes for the benefit of the occupants of such towns.

ACT 1571.

Fixing compensation of treasurer and assessor. [Stats. 1871-2, p. 169.]

Superseded and in effect repealed by County Government Act, 1897, 518, sec. 168, as amended 1901, 721.

ACT 1572.

To declare certain streams and sloughs in Humboldt County navigable. [Stats. 1860, p. 159.]

Incorporated in Political Code, sec. 2349.

TITLE 217.

HUNTING ON PRIVATE GROUNDS.

ACT 1577.

To prevent hunting and shooting on private inclosed grounds, and the destruction of growing timber on private grounds in certain counties in this state. [Stats. 1871-2, p. 304.]

This act applied to Alameda, San Mateo, Marin, San Bernardino, San Diego, Colusa, Sacramento, Sonoma, Nevada, Humboldt, Los Angeles, Santa Barbara, Contra Costa, and San Luis Obispo counties. It was amended in 1873-4, 792, so as to make it apply to Alameda, San Mateo, Marin, San Bernardino, San Diego, Colusa, Sacramento, Sonoma, Nevada, Humboldt, Los Angeles, Santa Barbara, Contra Costa, San Luis Obispo, and Mendocino counties.

TITLE 218.

HUSBAND AND WIFE.

ACT 1582.

Defining the rights of husband and wife. [Stats. 1850, p. 254.]

Amended 1853, 165; 1857, 199; 1858, 22; 1861, 310; 1862, 518; 1863-4, 363. Superseded by provisions of Civil Code.

Cal.Rep.Cit. 5, 256; 7, 270; 7, 272; 7, 273; 47, 37;
49, 190; 50, 105; 87, 647; 97, 192; 98, 468; 106, 613;
106, 614; 121, 133; 121, 135.

TITLE 219.

IMMIGRATION.

ACT 1587.

Concerning passengers arriving in the ports of the state of California. [Stats. 1852, p. 78.]

Amended 1853, 71; 1860, 32, 58; 1862, 486; 1863, 150.

Cal.Rep.Cit. 42, 581.

This act prescribed the duties of masters of vessels in relation to passengers arriving. It was superseded by Political Code, secs. 2949-2969.

ACT 1588.

To discourage the immigration to this state of persons who cannot become citizens. [Stats. 1855, p. 194.]

This act imposed a fine of fifty dollars on every immigrant incompetent to become a citizen. It was declared unconstitutional in *People v. Downer*, 7 Cal. 169.

TITLE 220.

INCLOSURES.

ACT 1588.

Preventing persons passing through inclosures and leaving them open by tearing down fences or otherwise, and to prevent hunting upon inclosed lands. [Stats. 1875-6, p. 408.]

This act also punished the offenses of wounding the animals of another and of leaving fires. It provided that certain of its provisions should not apply to the counties of Los Angeles, San Diego, Sutter, San Benito, Del Norte, El Dorado, Colusa, Yuba, Humboldt, Amador, Tuolumne, San Luis Obispo, Plumas, Lassen, Siskiyou, Modoc, Shasta, Trinity, Sierra, and Placer. It was amended 1877-8, 49, 776, so as to exempt from certain of its provisions the counties of Los Angeles, San Diego, Sutter, Del Norte, El Dorado, Colusa, Yuba, Humboldt, Amador, Tuolumne, San Luis Obispo, Plumas, Lassen, Siskiyou, Modoc, Shasta, Trinity, Sierra, Placer, San Benito, and Santa Cruz.

TITLE 221.

INDEX.

ACT 1593.

Authorizing the superintendent of state printing to have prepared and printed an index to all the laws of California, 1850-1893. [Stats. 1893, p. 150.]

TITLE 222.

INDIANS.

ACT 1603.

For the government and protection of Indians. [Stats. 1850, p. 408.]

Amended 1855, 179; 1860, 196; 1863, 743, 755.

Some provisions of this act were repealed by later inconsistent statutes. (People v. Antonio, 27 Cal. 404.) Other provisions were undoubtedly repealed by the codes. It is probably not in force in any particular. In the absence of direct legislation, it is deemed advisable to call attention to it.

ACT 1604.

To prevent the sale of firearms and ammunition to Indians. [Stats. 1854, p. 24.]

Superseded by Penal Code, sec. 398.

ACT 1605.

Granting to United States all lands within Indian reservations. [Stats. 1862, p. 552.]

ACT 1606.

To aid officers in the Indian department, appointed by the general government for the state of California, in the discharge of their duties. [Stats. 1856, p. 223.]

Amended 1857, 186.

"The above-named statute is mentioned by the code commissioners at section 1346 without anything to indicate that they suppose it to be repealed by any of the codes. If, however, as is indicated by the note to section 6 of the Penal Code, that section was intended to enumerate every act or omission made punishable, then this statute must have been substantially, if not absolutely, repealed by that code." —Code Commissioners' note, 1903.

ACT 1607.

To provide for the auditing and examination of claims against the state of soldiers who served in the Indian wars in California. [Stats. 1897, p. 250.]

TITLE 223.

INFANTS.

ACT 1612.

To prevent sale of intoxicating drinks to. [Stats. 1871-2, p. 281.]

Superseded 1891, 91.

ACT 1613.

To prevent the sale of intoxicating liquors to. [Stats. 1891, p. 91.]

Superseded by act of 1903, 319.

ACT 1614.

To prevent the selling, giving or delivering intoxicating liquors to minor children, and to prevent minor children visiting saloons or public houses where intoxicating liquors are sold. [Approved March 20, 1903. Stats. 1903, p. 319.]

This act appears in full in the Appendix to the Penal Code, p. 620.

ACT 1615.

To protect female children under the age of seventeen. [Stats. 1860, p. 86.]

This act prohibited the exhibition of female children under seventeen in any public place. Superseded by Penal Code.

ACT 1616.

For the protection of children, and to prevent and punish certain wrongs to children. [Stats. 1877-8, p. 812.]

This act prevented minors under sixteen from entering saloons and prevented any one from using children for purposes of beggary. It appears in full in the Appendix to the Penal Code, p. 617.

ACT 1617.

Relating to children. [Stats. 1877-8, p. 813.]

This act prevented the selling or apprenticing of children for immoral purposes. It appears in full in the Appendix to the Penal Code, p. 614.

ACT 1618.

For the incorporation of societies for the prevention of cruelty to children. [Approved April 3, 1876. Stats. 1875-6, p. 830.]

This act can be found in the Appendix to the Penal Code, p. 612.

ACT 1619.

To regulate the hours of labor and employment of minors. [Stats. 1889, p. 4.]

This act appears in full in Civil Code, Appendix, p. 721.

ACT 1620.

To regulate the employment, hours of labor, etc., of children. [Stats. 1901, p. 681.]

This act appears in full in Civil Code, Appendix, p. 722.

ACT 1621.

Relating to the care and custody of minor children in certain cases. [Stats. 1869-70, p. 328.]

Superseded by Civil Code, secs. 198, 199.

ACT 1622.

Orphan and abandoned children, care of. [Stats. 1873-4, p. 297.]

Amended 1877-8, 82.

This act provided for the publication of notices of children admitted, and inflicted a penalty for abandonment of children.

TITLE 224.**INSANE.****ACT 1627.**

To provide an additional asylum for chronic insane. [Stats. 1885, p. 35.]

Amended 1889, 130. Superseded by the Lunacy Commission Act, 1897, 811.

This act created the asylum at Agnews.

ACT 1628.

To provide for the erection of water towers and tanks on the grounds of the Agnews state hospital. [Stats. 1901, p. 806.]

ACT 1629.

To establish a branch insane asylum for the insane of the state of California at Ukiah, to be known as the Mendocino state insane asylum, and appropriating money therefor. [Stats. 1889, p. 25.]

Superseded by the Lunacy Commission Act, 1897, 811.

ACT 1630.

To change the name of the Mendocino state asylum for the insane to Mendocino asylum. [Stats. 1893, p. 76.]

ACT 1631.

To provide for the future management of Napa state asylum for the insane. [Stats. 1875-6, p. 133.]

Amended 1883, 281; 1887, 177; 1889, 351. Repealed by the Lunacy Commission Act, 1897, 811.

ACT 1632.

Napa state asylum for the insane, prohibiting sale of intoxicating liquors within certain distance of. [Stats. 1873-4, p. 27.]

Superseded by Penal Code, sec. 172.

ACT 1633.

Napa state asylum, supply of water for. [Stats. 1875-6, p. 383.]

ACT 1624.

To provide for the erection and management of a state hospital for the insane, to be located in southern California. [Stats. 1889, p. 120.]

Amended 1891, 481; 1895, 207. Superseded by the Lunacy Commission Act, 1897, 311.

ACT 1635.

Appropriation for supplying water, light, and fuel for the state insane asylum at Stockton. [Stats. 1889, p. 106.]

Repealed 1889, 225.

ACT 1636.

To authorize the board of managers of the Southern California state hospital to sell a strip of land. [Stats. 1901, p. 563.]

ACT 1637.

Authorizing the trustees of the Southern California state asylum to convey certain water rights. [Stats. 1895, p. 232.]

ACT 1638.

Insane, providing further accommodation for. [Stats. 1871-2, p. 673.]

Superseded as to government of the institution by 1897, 311, chap. CCXXVII.

ACT 1639.

To prevent the overcrowding of asylums for the insane. [Stats. 1885, p. 35.]

Superseded by the Lunacy Commission Act, 1897, 311.

ACT 1640.

In relation to the superintendent of the state insane asylum. [Stats. 1871-2, p. 845.]

Repealed 1877-8, 767.

This act required the superintendent to attend the annual meetings of the Superintendents of American Institutions for the Insane. See the act of 1877-8, 767.

ACT 1641.

To provide for the future management of the state asylums for the insane. [Stats. 1885, p. 32.]

"Modified, if not repealed, by 1889, 329, chap CCXX, and both modified, if not repealed, by the Lunacy Commission Act, 1897, 311."
—Code Commissioners' note.

ACT 1642.

To provide for the maintenance, support, and discharge in certain cases of insane persons confined in the state asylum for the insane, and for the control and management of a resulting contingent fund. [Stats. 1889, p. 329.]

Probably superseded by the Lunacy Commission Act, 1897, 311.

This act provided for an inquiry into the ability of inmates to support themselves, and for the payment for their support by inmates found capable.

ACT 1643.

To establish a state lunacy commission, to provide a uniform government and management of the state hospitals for the insane, and to provide for the care, custody, and apprehension of persons believed to be insane, and the commitment of insane persons, and providing for the transfer of unexpended appropriations of moneys and properties. [Stats. 1897, p. 311.]

Amended 1899, 180. Sec. 19 repealed 1900, 22. Unconstitutional as to method of commitment. (Matter of Lambert, 134 Cal. 626.) Probably superseded by secs. 2136-2199, Pol. Code, as adopted in 1903, establishing a state commission in lunacy, etc.

ACT 1644.

An act to provide for restoration to capacity of persons adjudged to be insane, who have no guardians and who are not confined at state hospitals for the insane.

[Approved March 23, 1901. Stats. 1901, p. 629.]

The people of the state of California, represented in senate and assembly, do enact as follows:

Section 1. Whenever any person duly adjudged to be insane has been duly committed to a state hospital for the insane under the provisions of any law of this state, and for whom no guardian has been appointed, and who is absent from the hospital to which he was committed or transferred under the order of commitment, on parole or leave of absence granted by the medical superintendent thereof, or who has been discharged therefrom as improved by said superintendent as provided by subdivision two, section fourteen, article three, of the insanity law of California, approved March thirty-first, eighteen hundred and ninety-seven, is desirous of being declared sane and restored to legal capacity, said insane person or a relative or friend on his behalf may make application in

writing to said medical superintendent to be declared sane. On receiving such application, said medical superintendent may make such examination of such person and require such proof as he may reasonably deem necessary to determine whether or not such person is sane. For the purpose of making such examination said superintendent may also require said person to present himself at the hospital for examination. If on making such examination and receiving such proofs as he deems reasonably necessary said medical superintendent shall be satisfied that said person is sane and has recovered his reason, said medical superintendent shall issue to said person his certificate that such person is sane, and recovered and returned to reason. A copy thereof, duly certified, shall be immediately forwarded to the state commission in lunacy, who shall file the same in their office. A copy thereof shall also be filed at said hospital and a proper record made thereof.

Sec. 2. If said medical superintendent is unwilling or refuses, however, to issue a certificate of recovery upon application as in section one provided, he shall so certify in writing, giving his reasons therefor, and said insane person or a relative or friend in his behalf may make application, by petition duly verified, to a judge of the superior court of the county where such insane person resides to be declared sane. Notice of the hearing of said application shall be given in the manner directed by a judge of said court, to said medical superintendent, and to such relative or relatives of such insane person residing in the county as the judge may direct, who may have opportunity to appear and be heard on the hearing of said application. Such hearing shall be conducted as are civil cases, and on demand of the petitioner the question of the insanity of such person may be tried by a jury, as in civil cases. If on the hearing of said application the court is satisfied from the proofs produced or if a jury trial is had, and the jury shall render a verdict that such person is sane, the court shall by order adjudge such person to be sane. Said order shall be filed and recorded in the office of the county clerk and certified copies thereof shall be sent by said clerk and filed with the state commission in lunacy and also with the superintendent of the hospital from which said insane person was

paroled, granted leave of absence, or discharged as improved. If said matter is tried by a jury the cause against said insane person shall be represented by the district attorney of the county. From a decision of the court or verdict of the jury finding the said person insane an appeal may be taken as in civil cases. If three fourths of the jury fail to declare said person sane, or the court or the jury shall find such person to be insane, said proceeding shall be dismissed and no new application to declare such person sane shall be made for six months thereafter.

Sec. 3. Whenever any person who has been adjudged to be insane, who has not been committed to a state hospital for the insane, and who has no guardian, and who is desirous of being declared sane and restored to legal capacity, said insane person or a relative or friend on his behalf may, by petition duly verified, make application to a judge of the superior court where he resides to be declared sane; said judge shall fix a time for the hearing of said application, and he may, by order, direct that notice of said hearing be given in the manner and to such relative or relatives of said person residing in the county where such application is made, as the judge may direct, who shall have opportunity to appear and be heard at said hearing. Such hearing shall be conducted as are civil cases, and on demand by the petitioner may be tried before a jury as are civil cases. If on said hearing the decision of the court or the verdict of the jury is that such person is insane, an appeal may be taken to the supreme court as in civil cases. If the court shall decide or the jury shall render a verdict declaring said person to be sane, the court shall make an order declaring said person to be sane. If three fourths of the jury fail to unite in a verdict, or the court or jury shall decide that such person is insane, such proceeding shall be dismissed, and no new application to have such person declared sane shall be made for six months thereafter.

Sec. 4. Before any order is made or any proceedings are taken for a trial by jury, the person demanding the same shall make a deposit, or give a bond, to be approved by a judge of the superior court where proceedings are had, for the payment of all costs of such trial, unless, in the opinion of said judge, the insane person in whose behalf said trial is demanded is a poor or indigent person.

Sec. 5. The certificate of recovery by the medical superintendent, the order of the judge or the verdict of a jury and the order of the judge as in this act provided, shall have the same legal effect as a discharge as recovered made under the provisions of subdivision one of section fourteen, article three of the insanity law of eighteen hundred and ninety-seven, and shall be prima facie evidence of the sanity of such person.

Sec. 6. All acts and parts of acts in conflict with this act are hereby repealed.

Sec. 7. This act shall take effect immediately.

TITLE 225.

INSECTS.

See Horticulture.

ACT 1649.

To prevent the spreading of fruit and fruit-tree pests.
[Stats. 1885, p. 40.]

Superseded 1899, 91, chap. LXXVI.

TITLE 226.

INSOLVENCY.

ACT 1654.

For the relief of insolvent debtors, for the protection of creditors, and for the punishment of fraudulent debtors. [Stats. 1895, p. 131.]

Amended 1897, 35. Superseded by the federal law on the subject.

TITLE 227.

INSURANCE.

ACT 1659.

To provide for the formation of mutual insurance companies. [Stats. 1851, p. 523.]

See note to act 682, ante.

ACT 1660.

Supplementary to the act concerning corporations. [Stats. 1865-6, p. 23.]

"Repealed, except as to corporations existing prior to the adoption of the codes, by sec. 288, Civil Code."—Code Commissioners' note.

See note to act 682, ante.

This act enabled insurance companies to increase their capital stock.

ACT 1661.

Prescribing conditions for transacting insurance business.
[Stats. 1867-8, p. 323.]

"Supplemented 1869-70, 321. Repealed, except as to pre-existing corporations, by sec. 288, Civil Code."—Code Commissioners' note.

See note to act 632, ante.

ACT 1662.

To provide for the official valuation of life insurance policies. [Stats. 1869-70, p. 859.]

Amended 1871-2, 97. Repealed 1877-8, 83.

ACT 1663.

Life insurance, forfeiture of policies of, act regulating.
[Stats. 1871-2, p. 59.]

"Repealed by amendment to codes, 1877-8, 83."—Code Commissioners' note.

ACT 1664.

Relating to life, health, accident, and annuity or endowment insurance on the assessment plan, and the conduct of business of such insurance. [Stats. 1891, p. 126.]

Cal.Rep.Cit. 106, 101; 106, 108; 121, 321; 123, 110; 129, 633.

This act appears in full in Civil Code, Appendix, p. 724.

ACT 1665.

Providing for incorporation of mutual insurance companies. [Stats. 1865-6, p. 752.]

Amended 1867-8, 330, 661; 1880, 229, but repealed by sec. 288, Civil Code. See note to act 632, ante.

Cal.Rep.Cit. 64, 384; 67, 167; 133, 43; 133, 47; 133, 48; 133, 50.

This act appears in full in Civil Code, Appendix, p. 731.

ACT 1666.

Relating to fire and marine insurance companies. [Stats. 1865-6, p. 743.]

Amended 1867-8, 330. Repealed by sec. 288, Civil Code. See note to act 632, ante.

ACT 1667.

To provide for the organization and management of county fire insurance companies. [Stats. 1897, p. 439.]

This act appears in full in Civil Code, Appendix, p. 732.

ACT 1663.

To require the payment of certain premiums to counties and cities and counties, by fire insurance companies not organized under the laws of the state of California, but doing business therein, and providing for the disposition of such income. [Stats. 1885, p. 13.]

Amended 1887, 15.

Unconstitutional. (San Francisco v. Insurance Co., 74 Cal. 113.)

This act provided for the payment of a certain percentage of the income of fire insurance companies into a firemen's relief fund.

ACT 1663.

Relative to the non-insurance of property belonging to the state against risk of damage or destruction by fire. [Stats. 1891, p. 70.]

ACT 1670.

Mutual Life Insurance Company of New York and Equitable Life Insurance Company of the United States, authorized to invest money in California. [Stats. 1873-4, p. 777.]

TITLE 228.**INTEREST.****ACT 1674.**

To regulate the interest of money. [Stats. 1850, p. 92.]

Amended 1867-8, 553; 1869-70, 669. Superseded by Civil Code, secs. 1917-1920.

Cal.Rep.Cit. 44, 181; 44, 369; 46, 208; 49, 402; 120, 109.

TITLE 229.**INTERPRETERS.****ACT 1679.**

In relation to interpreters before grand jury. [Stats. 1871-2, p. 540.]

This act can be found in the Appendix to the Penal Code, p. 619.

ACT 1680.

To authorize the appointment of an interpreter of the Italian languages in cities of one hundred thousand inhabitants. [Stats. 1885, p. 108.]

Amended 1895, 37.

"Superseded as to San Francisco by chap. I of art. V of the charter of that city."—Code Commissioners' note.

This act appears in full in Penal Code, Appendix, p. 618.

TITLE 230.

INTOXICATING LIQUORS.

ACT 1685.

To prohibit the collection of accounts for liquors sold at retail. [Stats. 1858, p. 193.]

Superseded, although not in terms repealed, by the act of 1873-4, 509, to the same effect.

ACT 1686.

To prevent the sale of intoxicating liquors to persons addicted to the inordinate use thereof. [Stats. 1889, p. 352.]

This act can be found in the Appendix to the Penal Code, p. 621.

ACT 1687.

Permitting voters of every township or incorporated city to vote on question of granting license to sell. [Stats. 1873-4, p. 434.]

Repealed, 1875-6, 10.

Unconstitutional. (*Ex parte Wall*, 48 Cal. 279.)

ACT 1688.

To prevent the sale of intoxicating liquors to minor children. [Stats. 1891, p. 91.]

This act appears in the Penal Code, Appendix, p. 619.

ACT 1689.

To prevent the selling, giving, or delivering intoxicating liquors to minor children, and to prevent minor children visiting saloons or public houses where intoxicating liquors are sold. [Stats. 1903, p. 319.]

This act appears in full in Penal Code, Appendix, p. 620.

ACT 1690.

To prevent the sale of intoxicating beverages on election day. [Stats. 1873-4, p. 297.]

Cal.Rep.Cit. 92, 198.

This act appears in the Penal Code, Appendix, p. 622.

ACT 1691.

To prohibit the sale of intoxicating liquors in the state capitol building. [Stats. 1880, p. 80.]

This act appears in full in Penal Code, Appendix, p. 623.

ACT 1692.

To prevent the sale of intoxicating liquors in the immediate vicinity of soldiers' home. [Stats. 1895, p. 161.]

This act appears in full in Penal Code, Appendix, p. 622.

TITLE 231.
INVENTORY.

ACT 1697.

To require an inventory of state and county property, and directing that a record of the same be kept. [Stats. 1897, p. 5.]

Amended 1901, 93.

TITLE 232.
INYO COUNTY.

ACT 1702.

Assessor, compensation of. [Stats. 1875-6, p. 81.]

Amended 1877-8, 256. Repealed by County Government Act, 1897, 568, sec. 211.

ACT 1703.

Government of, payment of expenses of. [Stats. 1873-4, p. 374.]

See subds. 12 and 18, sec. 25, County Government Act, 1897, 460, 463.

ACT 1704.

Protecting growing crops in. [Stats. 1871-2, p. 668.]

Probably repealed by acts of 1897, 198, and 1901, 603, relating to estrays.

This act was to prevent the trespassing of animals.

ACT 1705.

Additional notaries public for. [Stats. 1873-4, p. 574.]

Repealed by Political Code, sec. 791.

This act provided for the appointment of two additional notaries.

ACT 1706.

Salaries of certain officers of. [Stats. 1873-4, p. 177.]

Supplemented and amended 1873-4, 510. Repealed by constitution of 1879, abolishing office of county judge, and by County Government Act, 1897, 568, sec. 211.

ACT 1707.

Public roads, improvement of. [Stats. 1875-6, p. 421.]

Repealed 1883, 5, chap. X, sec. 2, and Political Code, sec. 2652, as amended 1891, 478.

ACT 1708.

To provide for the distribution of school moneys in certain counties. [Stats. 1877-8, p. 746.]

Repealed: See Political Code, sec. 1858.

This act related to Inyo and Mono counties.

ACT 1709.

Teachers in, employment of. [Stats. 1873-4, p. 509.]

Probably repealed by Political Code, sec. 1696, as amended 1893, 255.

ACT 1710.

Traveling fees of sheriffs of. [Stats. 1873-4, p. 236.]

Amended 1877-8, 372. Repealed by County Government Acts, 1897, 568, 571, 572, secs. 211, 214, 215.

ACT 1711.

Treasurer of, salary of. [Stats. 1877-8, p. 157.]

Repealed by County Government Acts, 1897, 568, sec. 211.

TITLE 233.**IRRIGATION.****ACT 1716.**

Irrigation, act to promote. [Stats. 1871-2, p. 945.]

"Seems necessarily inconsistent with the Wright Act, 1887, 29, chap. XXXIV, but that statute, in sec. 46, declares that none of its provisions shall be construed as repealing or modifying the provisions of any act relating to irrigation or water commissioners; also with statute of 1897, 254, which also contains same reservations as to its repealing effect."—Code Commissioners' note.

ACT 1717.

To provide for the organization and government of irrigation districts, and to provide for the acquisition of water and other property, and for the distribution of water for irrigation purposes. [Stats. 1887, p. 29.]

Amended 1889, 15; 1891, 142, 147, 244; 1893, 175, 516; 1897, 241; 1899, 2. Supplemented 1889, 18, 21, 212; 1893, 276, 520; 1895, 127, 174; 1897, 254, 394. Repealed 1897, 254.

Cal.Rep.Clt. 76, 367; 79, 353; 87, 142; 88, 337; 88, 350;
88, 351; 88, 353; 88, 354; 88, 358; 92, 306; 94, 318;
98, 208; 103, 385; 106, 369; 106, 371; 108, 192; 108, 194;
113, 242; 113, 510; 117, 384; 117, 385; 120, 288; 120, 289;
120, 290; 127, 567; 130, 130; 180, 181; 180, 182; 180, 183;
130, 134; 135, 390.

AMD'T 1891.

Cal.Rep.Clt. 106, 365; 106, 369; 113, 510; 113, 517; 113, 521;
117, 384; 117, 386; 120, 288; 120, 292; 125, 596.

The supplemental act of 1889, p. 212, is unconstitutional in part. (Cullen v. Glendora W. Co., 113 Cal. 503.)

ACT 1718.

To amend "An act amendatory of and supplemental to an act entitled 'An act to provide for the organization and government of irrigation districts, and to provide for

the acquisition of water and other property, and for the distribution of water thereby for irrigation purposes,' approved March 7, 1887, providing for the exclusion of certain lands within any such district." [Approved February 16, 1889. Stats. 1889, p. 21.]

Amended 1893. 29. Repealed by act of 1897, 254, so far as inconsistent therewith. See act of 1897, secs. 74-84, pp. 531-536, post. Cal.Rep.Cit. 88, 355.

Unconstitutional in part. (Cullen v. Glendora W. Co., 113 Cal. 503.)

ACT 1719.

Amendatory of and supplemental to "An act to provide for the organization and government of irrigation districts, and to provide for the acquisition of water and other property, and for the distribution of water thereby for irrigation purposes," approved March 7, 1887, and providing for a change of the boundaries of irrigation districts, by including other lands therein. [Approved February 16, 1889. Stats. 1889, p. 18.]

Repealed by act of 1897, 254, so far as inconsistent therewith. See Stats. 1897, secs. 85-97, pp. 537-540, post.

ACT 1720.

Supplemental to an act entitled "An act to provide for the organization and government of irrigation districts, and to provide for the acquisition of water and other property, and for the distribution of water thereby for irrigation purposes," approved March 7, 1887, and to provide for the examination, approval, and confirmation of proceedings for the issue and sale of bonds issued under the provisions of said act. [Approved March 16, 1889. Stats. 1889, p. 212.]

Repealed by act of 1897, 254, so far as inconsistent therewith. See secs. 68-73, act of 1897, pp. 530, 531, post.

Cal.Rep.Cit. 87, 143; 87, 146; 88, 337; 88, 348; 91, 538; 92, 306; 92, 330; 106, 369; 113, 511; 117, 384; 132, 291; 133, 348; 135, 394.

ACT 1721.

Supplemental to an act entitled "An act to provide for the organization and government of irrigation districts, and to provide for the acquisition of water and other property, and for the distribution of water

thereby for irrigation purposes," approved March 7, 1887, providing for the abandonment of operations by irrigation districts and for their disorganization upon the discharge of all outstanding obligations, and dividing irrigation districts into classes for the purposes of this act. [Approved March 25, 1893. Stats. 1893, p. 520.]

Repealed by act of 1897, 254, so far as inconsistent therewith. See act of 1903, 3.

ACT 1722.

Supplemental to an act entitled "An act to provide for the organization and government of irrigation districts, and to provide for the acquisition of water and other property, and for the distribution of water thereby for irrigation purposes," approved March 7, 1887, providing for reducing the bonded indebtedness thereof. [Approved March 23, 1893. Stats. 1893, p. 276.]

Repealed by Stats. 1897, 254, so far as inconsistent therewith. See act of 1897, secs. 98-99½, p. 541, post.

ACT 1723.

Supplemental to an act entitled "An act to provide for the organization and government of irrigation districts, and to provide for the acquisition of water and other property, and for the distribution of water thereby for irrigation purposes," approved March 7, 1887, providing for the destruction of all or any part of the bonds of any irrigation district remaining unsold after the completion of their irrigation system. [Approved March 26, 1895. Stats. 1895, p. 127.]

Repealed by act of 1897, 254, so far as inconsistent therewith. See secs. 106-108 of act of 1897, pp. 543, 544, post.

ACT 1724.

To create Modesto irrigation district. [Stats. 1877-8, p. 820.]

ACT 1725.

West Side irrigation district, creating. [Stats. 1877-8, p. 468.]

ACT 1726.

An act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and,

also, to provide for the distribution of water for irrigation purposes.

[Approved March 31, 1897. Stats. 1897, p. 254.]

Amended 1901, 815.

Cal.Rep.Cit. 124, 2.

The people of the state of California, represented in senate and assembly, do enact as follows:

ORGANIZATION.

Section 1. A majority in number of the holders of title, or evidence of title, to lands susceptible of irrigation from a common source and by the same system of works, such holders of title, or evidence of title, representing a majority in value of said lands, according to the equalized county assessment roll or rolls for the year last preceding, may propose the organization of an irrigation district, under the provisions of this act. Said equalized assessment roll or rolls shall be sufficient evidence of title for the purposes of this act.

Sec. 2. In order to propose the organization of an irrigation district, a petition shall be presented to the board of supervisors of the county in which the lands within the proposed district, or the greater portion thereof, are situated, signed by the required number of holders of title, or evidence of title, to lands within such proposed district, and representing the requisite majority in value of said lands, which petition shall set forth the boundaries of the proposed district, and shall state, generally, the source from which said lands are proposed to be irrigated, and the character of the works proposed to be acquired or constructed for irrigation purposes, and shall pray that the territory embraced within the boundaries of the proposed district may be organized as an irrigation district under the provisions of this act. The petition must be accompanied with a good and sufficient undertaking, to be approved by said board of supervisors, in double the amount of the probable cost of organizing such district, conditioned that the sureties shall pay all of said costs, in case said organization shall not be affected. Said petition shall be presented at a regular meeting of said board, and shall be published for at least two weeks before the time at which the same is to be presented, in some newspaper of general circulation printed

and published in the county where said petition is presented, together with a notice stating the time of the meeting at which the same will be presented; and if any portion of the lands within said proposed district lie within another county or counties, then said petition and notice shall be published, as above provided, in a newspaper published in each of said counties. When such petition is presented, said board of supervisors shall hear the same, and may adjourn such hearing from time to time, not exceeding four weeks in all. And on the final hearing said board shall make such changes in the proposed boundaries as may be deemed advisable, and shall define and establish such boundaries. But said board shall not modify said boundaries so as to exclude from such proposed district any territory which is susceptible of irrigation from a common source and by the same system of works applicable to the other lands in such proposed district; nor shall any lands which will not, in the judgment of said board, be benefited by irrigation, by means of said system of works, be included within such proposed district. Any person whose lands are susceptible of irrigation from the same source and system of works, may, upon his application, in the discretion of said board, have such lands included within said proposed district.

Sec. 3. Upon such hearing of said petition, the board of supervisors shall determine whether or not said petition complies with the requirements of sections one and two of this act, and for that purpose must hear all competent and relevant testimony offered in support or in opposition thereto. Such determination shall be entered upon the minutes of said board of supervisors.

Sec. 4. The right of appeal from said order to the superior court of the county where said petition is heard is hereby given to any person interested who is a party to the record; provided, that if more than one appeal be taken they shall be consolidated and tried together. Such appeal shall be taken within ten days after the entry of such order upon the minutes of the board of supervisors. The appeal shall be taken and heard in the same manner as appeals from justices' courts to the superior court, except as herein otherwise provided. Upon the appeal, the superior court may make and enter its judgment affirming, modifying, or reversing the order appealed

from. Within ten days thereafter the superior court must cause its remittitur to issue to said board of supervisors, and if said order of the board of supervisors is modified or reversed, the judgment of the superior court and its remittitur shall direct the board of supervisors what order it shall enter. Such remittitur shall be filed by the clerk of the board of supervisors, and at the first regular meeting of the board thereafter, it shall cause to be entered in its minutes the order as directed by said superior court. The appeal herein provided for shall be heard and determined within thirty days from the time of filing the notice of appeal.

Sec. 5. If, on said final hearing, the boundaries of the proposed district are defined and established, said board shall make an order dividing said district into five divisions, as nearly equal in size as may be practicable, which shall be numbered first, second, third, fourth, and fifth, and one director shall be elected for each division by the electors thereof; provided, that if so requested in said petition, the board may order that there shall be only three divisions in said district, and that only three directors be elected, or that they be elected for the district at large.

ELECTION ON ORGANIZATION.

Sec. 6. Said board of supervisors shall then give notice of an election to be held in such proposed district, for the purpose of determining whether or not the same shall be organized under the provisions of this act. Such notice shall describe the boundaries so established, and shall designate a name for the proposed district, and said notice shall be published for at least three weeks previous to such election, in a newspaper published within the county in which the petition for the organization of the proposed district was presented; and if any portion of such proposed district is within another county or counties, then such notice shall be published for the same length of time in a newspaper published in each of said counties. Such notice shall require the electors to cast ballots, which shall contain the words "Irrigation District—Yes," or "Irrigation District—No," or words equivalent thereto, and also the names of persons to be voted for at said election. For the purposes of said election the board of supervisors must establish a convenient number of elec-

tion precincts in said proposed district, and define the boundaries of the same. Such election shall be conducted as nearly as practicable in accordance with the general election laws of the state, but no particular form of ballot shall be required.

Sec. 7. At such election there shall be elected a board of directors, and an assessor, tax collector, and treasurer; provided, that where a consolidation of officers as hereinafter provided for is deemed advisable in the organization of a district, the petitioners may request in their petition for organization such consolidation, and the board of supervisors calling the election shall in its order therefor announce such consolidation, and then only one person shall be elected to fill the several offices so consolidated.

Sec. 8. No person shall be entitled to vote at any election held under the provisions of this act unless he possesses all the qualifications required of electors under the general election laws of the state.

Sec. 9. The board of supervisors shall meet on the second Monday succeeding such election, and shall proceed to canvass the votes cast thereat, and if upon such canvass it appears that at least two thirds of all the votes cast are "Irrigation District—Yes," said board shall, by an order entered on its minutes, declare the territory duly organized as an irrigation district, under the name theretofore designated, and shall declare the persons receiving respectively the highest number of votes at said election to be duly elected.

Sec. 10. Said board shall then cause a copy of such order, duly certified, to be immediately filed for record in the office of the county recorder of any county in which any portion of the lands embraced in such district are situated, and must also immediately forward a copy thereof to the clerk of the board of supervisors of each of said last-mentioned counties, and no board of supervisors of any county in which any portion of the lands embraced in such district are situated shall, after the date of the organization thereof, allow another district to be formed including any portion of said lands, without the consent of the board of directors of the district in which they are situated. From and after such filing, the organization of such district shall be complete.

Sec. 11. Such election, on organization, may be con-

tested by any person owning property within the proposed district liable to assessment. The directors elected at such election shall be made parties defendant. Such contest shall be brought in the superior court of the county where the petition for organization is filed; provided, that if more than one contest be pending they shall be consolidated and tried together. The court having jurisdiction shall speedily try such contest, and determine, upon the hearing, whether the election was fairly conducted and in substantial compliance with the requirements of this act, and enter its judgment accordingly. Such contest must be brought within twenty days after the canvass of the vote and declaration of the result by the board of supervisors. The right of appeal is hereby given to either party to the record within thirty days from entry of judgment. The appeal must be heard and determined by the supreme court within sixty days from the time of filing the notice of appeal.

Sec. 12. The officers elected at the election hereinbefore provided for shall immediately enter upon their duties as such, upon qualifying in the manner for such officers herein provided. Said officers shall hold office respectively until their successors are elected and qualified.

DUTIES AND POWERS OF BOARDS OF DIRECTORS.

Sec. 13. The directors of any district created after the passage of this act, on the first Tuesday after their election, after they shall have qualified, shall meet and classify themselves by lot into two classes, as nearly equal in number as possible, and the term of office of the class having the greater number shall expire at the next general February election in this act provided for; and the term of office of the class having the lesser number shall terminate at the next general February election thereafter. After such classification, said directors shall organize as a board, shall elect a president from their number, and appoint a secretary, who shall each hold office during the pleasure of the board. The salary of the secretary and the amount of the bond to be given by him for the faithful performance of his duties shall be fixed by the board of directors.

Sec. 14. The board of directors shall hold a regular monthly meeting, in their office, on the first Tuesday in

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every month, and such special meetings as may be required for the proper transaction of business; provided, that all special meetings must be ordered by a majority of the board. The order must be entered of record, and five days' notice thereof must, by the secretary, be given to each member not joining in the order. The order must specify the business to be transacted, and none other than that specified must be transacted at such special meeting. All meetings of the board must be public, and three members shall constitute a quorum for the transaction of business; provided, however, that when the board consists of three members only, then in such case two shall constitute a quorum for the transaction of business, but on all questions requiring a vote there shall be a concurrence of at least the number constituting a quorum. All records of the board shall be open to public inspection during business hours. The board of directors shall, on the first Tuesday in January of each and every year render, and immediately thereafter cause to be published, a verified statement of the financial condition of the district, showing particularly the receipts and disbursements of the last preceding year, together with the source of such receipts and purpose of such disbursements. Said publication shall be made at least once a week for two weeks, in some paper published in the county where the office of the board of directors of such district is situated.

Sec. 15. The board shall have the power, and it shall be their duty, to manage and conduct the business and affairs of the district; make and execute all necessary contracts; employ and appoint such agents, officers, and employees as may be required, and prescribe their duties. The board and its agents and employees shall have the right to enter upon any land to make surveys, and may locate the necessary irrigation works and the line for any canal or canals, and the necessary branches for the same, on any lands which may be deemed best for such location. Said board shall also have the right to acquire, either by purchase or condemnation, or other legal means, all lands, and waters, and water rights, and other property necessary for the construction, use, supply, maintenance, repair, and improvements of said canal or canals, and works, including canals and works constructed and being constructed by private owners, lands for reservoirs for the

storage of needful waters, and all necessary appurtenances. But no purchase of any waters, or water rights, or canals, or reservoirs, or reservoir sites, or irrigation works, or other real property of any nature or kind, for any price in excess of ten thousand dollars shall be final or binding on the district, nor shall the purchase price thereof be paid until a petition of a majority of the holders of title, or evidence of title, to lands within the district, such holders of title, or evidence of title, representing a majority in value of said land, according to the last equalized assessment roll of the district, shall have been filed with the board and an order of the board made thereon confirming such purchase. Said board may also construct the necessary dams, reservoirs, and works for the collection of water for said district, and do any and every lawful act necessary to be done, that sufficient water may be furnished to each land owner in said district for irrigation purposes. The said board is hereby authorized and empowered to take conveyances or other assurances for all property acquired by it under the provisions of this act, in the name of such irrigation district, to and for the uses and purposes herein expressed, and to institute and maintain any and all actions and proceedings, suits at law or in equity, necessary or proper in order to fully carry out the provisions of this act, or to enforce, maintain, protect, or preserve any and all rights, privileges, and immunities created by this act, or acquired in pursuance thereof. And in all courts, actions, suits, or proceedings, the said board may sue, appear, and defend in person or by attorneys, and in the name of such irrigation district. It shall be the duty of said board to establish equitable by-laws, rules, and regulations for the distribution and use of water among the owners of said lands, which must be printed in convenient form for distribution in the district. Said board shall have power generally to perform all such acts as shall be necessary to fully carry out the purposes of this act.

Sec. 15½. The board of directors, when they deem it advisable for the best interests of the district, and the convenience of the electors thereof, may at any time, but not less than sixty days before an election to be held in the district, change the boundaries of the divisions and election precincts of the district; provided, such changes

shall be made to keep each division as nearly equal in area and population as may be practicable. Such change of boundaries of the divisions must be shown on the minutes of the board. The board of directors of any irrigation district now or that may hereafter be organized in this state, shall also have the power, and such board is hereby vested with authority to lease the system of canals and works in the district, whenever such leasing may be for the benefit of the district; provided, that when the directors of any irrigation district contemplate the leasing of the canals or works of such district, they shall give notice of such contemplation by publishing the same in some newspaper published in the county in which such irrigation district lies, at least three weeks prior to the making of any lease, and such lease shall be made to the highest bidder. But such board shall have the right to reject any and all bids. Such lease shall in no way interfere with any rights that may have been established by law at the time such lease is made; and further provided, that the board of directors shall require a good and sufficient bond to secure the faithful performance of the lease by the lessees. [New section approved March 28, 1901. Stats. 1901, p. 815. In effect immediately.]

Sec. 16. In case of condemnation proceedings the board shall proceed, in the name of the district, under the provisions of title seven, part three, of the Code of Civil Procedure.

WATER REGULATIONS.

Sec. 17. The use of all water required for the irrigation of the lands of any district formed under the provisions of this act, or the act of which this is supplementary or amendatory, together with the rights of way for canals and ditches, sites for reservoirs, and all other property required in fully carrying out the provisions of this act, is hereby declared to be a public use, subject to the regulation and control of the state, in the manner prescribed by law.

Sec. 18. It is hereby expressly provided that all waters distributed for irrigation purposes shall be apportioned ratably to each land owner upon the basis of the ratio which the last assessment of such owner for district purposes within said district bears to the whole sum assessed upon the district; provided, that any land owner may as-

sign the right to the whole or any portion of the waters so apportioned to him.

GENERAL ELECTIONS.

Sec. 19. An election shall be held in each irrigation district on the first Wednesday in February, eighteen hundred and ninety-nine, and on the first Wednesday in February in each second year thereafter, at which an assessor, a collector, and a treasurer, and directors for the district shall be elected. The person receiving the highest number of votes for any office to be filled at such election shall be elected thereto. The assessor, collector, and treasurer shall each hold office from the first Tuesday in March next after, for two years, and until his successor is elected and qualified. Within ten days after receiving their certificates of election, hereinafter provided for, said officers shall take and subscribe the official oath, and file the same in the office of the board of directors, and execute the bond hereinafter provided for. The assessor shall execute an official bond in the sum of five thousand dollars, and the collector an official bond in the sum of twenty thousand dollars, and the district treasurer an official bond in the sum of fifty thousand dollars; each of said bonds to be approved by the board of directors; provided, that the board of directors may, if it shall be deemed advisable, fix the bonds of the treasurer and collector, respectively, to suit the conditions of the district, the maximum amount of the treasurer's bond not to exceed fifty thousand dollars, and the minimum amount thereof not to be less than ten thousand dollars; and the maximum amount of the collector's bond not to exceed twenty thousand dollars, and the minimum amount thereof not to be less than five thousand dollars. Each member of said board of directors shall execute an official bond in the sum of five thousand dollars, which said bonds shall be approved by the judge of the superior court of said county where such organization was effected, and shall be recorded in the office of the county recorder thereof, and filed with the secretary of said board. All official bonds herein provided for shall be in the form prescribed by law for the official bonds of county officers.

Sec. 20. On the first Tuesday in March next following their election, the directors who shall have been elected at the general February election, shall meet and organize as a

board, elect a president and appoint a secretary, who shall each hold office during the pleasure of the board. And the directors of districts now organized, who shall have been elected at the general February election of eighteen hundred and ninety-nine, shall, on the first Tuesday in March next thereafter, when they meet to organize, first classify themselves by lot into two classes as nearly equal in number as possible. And the term of office of the class having the greater number shall be two years; and the term of office of the lesser number shall be four years. The full term of office of directors is hereby fixed at four years.

Sec. 21. Fifteen days before any election held under this act, subsequent to the organization of any district, the secretary of the board of directors shall cause notices to be posted in three public places in each election precinct, of the time and place of holding the election, and shall also post a general notice of the same in the office of said board, which shall be established and kept at some fixed place, to be determined by said board, specifying the polling-places of each precinct. Prior to the time for posting the notices, the board must appoint for each precinct, from the electors thereof, one inspector and two judges, who shall constitute a board of election for such precinct. If the board fail to appoint a board of election, or the members appointed do not attend at the opening of the polls on the morning of election, the electors of the precinct present at that hour may appoint the board, or supply the place of an absent member thereof. The board of directors must, in its order appointing the board of election, designate the house or place within the precinct where the election must be held.

Sec. 22. The inspector is chairman of the election board, and may administer all oaths required in the progress of an election; and appoint judges and clerks, if, during the progress of the election, any judge or clerk cease to act. Any member of the board of election, or any clerk thereof, may administer and certify oaths required to be administered during the progress of an election. The board of election for each precinct must, before opening the polls, appoint two persons to act as clerks of the election. Before opening the polls, each member of the board and each clerk must take and subscribe an oath to faithfully per-

form the duties imposed upon them by law. Any elector of the precinct may administer and certify such oath. The polls must be opened one hour after sunrise on the morning of the election, and be kept open until sunset, when the same must be closed. The provisions of the general election laws concerning the form of ballots to be used shall not apply to elections held under this act.

Sec. 23. Voting may commence as soon as the polls are opened, and may be continued during all the time the polls remain opened, and shall be conducted, as nearly as practicable, in accordance with the provisions of the general election laws of this state. As soon as all the votes are counted, a certificate shall be drawn up on each of the papers containing the poll list and tallies, or attached thereto, stating the number of votes each one voted for has received, and designating the office to fill which he was voted for, which number shall be written in figures and in words at full length. Each certificate shall be signed by the clerk, judge, and the inspector. One of said certificates, with the poll list and the tally paper to which it is attached, shall be retained by the inspector, and preserved by him at least six months. The ballots shall be strung upon a cord or thread by the inspector, during the counting thereof, in the order in which they are entered upon the tally list by the clerks; and said ballots together with the other of said certificates, with the poll list and tally paper to which it is attached, shall be sealed by the inspector in the presence of the judges and clerks, and indorsed "Election returns of (naming the precinct) precinct," and be directed to the secretary of the board of directors, and shall be immediately delivered by the inspector, or by some other safe and responsible carrier designated by said inspector, to said secretary, and the ballots shall be kept unopened for at least six months; and if any person be of the opinion that the vote of any precinct has not been correctly counted, he may appear on the day appointed for the board of directors to open and canvass the returns, and demand a recount of the vote of the precinct that is so claimed to have been incorrectly counted.

Sec. 24. No list, tally paper, or certificate returned from any election, shall be set aside or rejected for want of form, if it can be satisfactorily understood. The board

of directors must meet at its usual place of meeting on the first Monday after each election to canvass the returns. If, at the time of meeting, the returns from each precinct in the district in which the polls were opened have been received, the board of directors must then and there proceed to canvass the returns; but if all the returns have not been received, the canvass must be postponed from day to day until all the returns have been received, or until six postponements have been had. The canvass must be made in public and by opening the returns and estimating the vote of the district for each person voted for, and declaring the result thereof.

Sec. 25. The secretary of the board of directors must, as soon as the result is declared, enter in the records of such board a statement of such result, which statement must show: (a) The whole number of votes cast in the district, and in each division of the district; (b) the names of the persons voted for; (c) the office to fill which each person was voted for; (d) the number of votes given in each precinct to each of such persons; (e) the number of votes given in each division for the office of director, and the number of votes given in the district for the offices of assessor, collector, and treasurer. The board of directors must declare elected the persons having the highest number of votes given for each office. The secretary must immediately make out and deliver to such person a certificate of election, signed by him, and authenticated with the seal of the board.

In case of a vacancy in the office of assessor, collector, or treasurer, the vacancy shall be filled by appointment of the board of directors; provided, that if said board of directors shall neglect or refuse to make such appointment within a period of forty days, then the board of supervisors of the county wherein the office of said board of directors is situated shall make such appointment. In case of a vacancy in the office of director, the vacancy shall be filled by appointment by the board of supervisors of the county where the office of such board of directors is situated, from the division in which the vacancy occurred. An officer appointed as above provided shall hold his office until the next regular election for said district, and until his successor is elected and qualified.

Sec. 26. A director shall be a resident and freeholder

of the irrigation district, but not necessarily of the division for which he is elected.

Sec. 27. The board of directors may, in its discretion, consolidate any two or more of the offices of assessor, collector, and treasurer. The order of consolidation must be made at least thirty days prior to general election of the district, and shall take effect at the next succeeding election; provided, that the board of directors may, at least thirty days before a general election of the district, where the offices have been consolidated, segregate the same, each office to be filled at such election.

Sec. 28. In any district the board of directors thereof may, upon the presentation of a petition therefor, by a majority of the holders of title, or evidence of title, of said district, evidenced as above provided, order that on and after the next ensuing general election for the district, there shall be either three or five directors, as said board may order, and they shall be elected by the district at large, or by divisions, as so petitioned and ordered; and after such order such directors shall be so elected.

TITLE TO PROPERTY.

Sec. 29. The legal title to all property acquired under the provisions of this act shall immediately and by operation of law vest in such irrigation district, and shall be held by such district in trust for and is hereby dedicated and set apart to the uses and purposes set forth in this act. And said board is hereby authorized and empowered to hold, use, acquire, manage, occupy, and possess said property as herein provided.

ISSUANCE OF BONDS.

Sec. 30. For the purpose of constructing necessary irrigating canals and works, and acquiring the necessary property and rights therefor, and otherwise carrying out the provisions of this act, the board of directors of any such district, must, as soon after such district has been organized as may be practicable, and also whenever thereafter the construction fund has been exhausted by expenditures herein authorized therefrom and it is necessary to raise additional money for said purposes, estimate and determine the amount of money necessary to be raised. And thereafter said board when petitioned by a majority of the holders of title, or evidence of title, to

lands within the district, such holders of title, or evidence of title, representing a majority in value of said lands, according to the equalized assessment roll of the district, if such has theretofore been made, and if such has not been made, then according to the equalized county assessment roll covering the lands of such district, shall immediately call a special election, at which shall be submitted to the electors of such district, possessing the qualifications prescribed by this act, the question whether or not the bonds of said district in the amount as set forth in said petition shall be issued. Notice of such election must be given by posting notices in three public places in each election precinct in said district for at least twenty days, and also by publication of such notice in some newspaper published in the county where the office of the board of directors of such district is required to be kept, once a week for at least three successive weeks. Such notices must specify the time of holding the election, the amount of bonds proposed to be issued; and said election must be held and the result thereof determined and declared in all respects as nearly as practicable in conformity with the provisions of this act governing the election of officers; provided, that no informalities in conducting such an election shall invalidate the same, if the election shall have been otherwise fairly conducted. At such election the ballots shall contain the words "Bonds—Yes," or "Bonds—No," or words equivalent thereto. If a majority of the votes cast are "Bonds—Yes," the board of directors shall cause bonds in said amount to be issued; if a majority of the votes cast at any bond election are "Bonds—No," the result of such election shall be so declared and entered of record. Whenever thereafter a petition of the character hereinbefore provided for in this section is presented to the board it shall so declare of record in its minutes, and shall thereupon submit such questions to said electors in the same manner and with like effect as at such previous election.

Sec. 31. All bonds issued under the provisions of this act shall be payable in gold coin of the United States, in ten series, as follows, to wit: At the expiration of twenty-one years, five per cent of the whole number of said bonds; at the expiration of twenty-two years, six per cent; at the expiration of twenty-three years, seven per cent; at the

expiration of twenty-four years, eight per cent; at the expiration of twenty-five years, nine per cent; at the expiration of twenty-six years, ten per cent; at the expiration of twenty-seven years, eleven per cent; at the expiration of twenty-eight years, thirteen per cent; at the expiration of twenty-nine years, fifteen per cent; and at the expiration of thirty years, sixteen per cent; that the several enumerated percentages being of the entire amount of the bond issue, but each bond must be made payable at a given time for its entire amount and not for a percentage. Said bonds shall bear interest at the rate of five per cent per annum, payable semi-annually, on the first day of January and July of each year. The principal and interest shall be payable at the place designated therein. Said bonds shall be each of the denomination of not less than one hundred dollars nor more than five hundred dollars; shall be negotiable in form, signed by the president and secretary, and the seal of the board of directors shall be affixed thereto. Each issue shall be numbered consecutively as issued, and the bonds of each issue shall be numbered consecutively, and bear date at the time of their issue. Coupons for the interest shall be attached to each bond, signed by the secretary. Said bonds shall express on their face that they were issued by authority of this act, stating its title and date of approval, and shall also so state the number of the issue of which such bonds are a part. The secretary shall keep a record of the bonds sold, their number, the date of sale, the price received, and the name of the purchaser.

Sec. 32. The board may sell said bonds from time to time in such quantities as may be necessary and most advantageous, to raise money for the construction of said canals and works, the acquisition of said property and rights, and otherwise to fully carry out the objects and purposes of this act. Before making any sale the board shall, at a meeting, by resolution, declare its intention to sell a specified amount of the bonds, and the day and hour and place of such sale, and shall cause such resolution to be entered in the minutes, and notice of the sale to be given, by publication thereof at least three weeks, in some newspaper published in the county where the office of the board of directors is located, and in any other newspaper, at its discretion. The notice shall state that sealed proposals

will be received by the board at their office, for the purchase of bonds, till the day and hour named in the resolution. At the time appointed the board shall open the proposals, and award the purchase of the bonds to the highest responsible bidder; provided, however, that they may reject all bids. Said board shall in no event sell any of the said bonds for less than the par value thereof.

Sec. 33. Said bonds, and the interest thereon, shall be paid by revenue derived from an annual assessment upon the real property of the district; and all the real property in the district shall be and remain liable to be assessed for such payments, as hereinafter provided.

ASSESSMENT FOR COMPLETION OF WORKS.

Sec. 34. In case the money raised by the sale of bonds issued be insufficient or in case the bonds be unavailable for the completion of the plan of canal and works adopted, and additional bonds be not voted, it shall be the duty of the board of directors to provide for the completion of said plan by levy of assessments therefor; provided, however, that such levy of assessments shall not be made except first an estimate of the amount required for such purposes has been made by said board, and the question as to the making of said levy submitted to a vote of the electors of the district. Before such question is submitted the order of submission shall be entered in the minutes of the board, stating the amount to be levied and the purpose therefor, and if submitted at a special election said order shall, in addition, fix the day of election. Notice of such election must be given by posting notices in three public places in each election precinct in said district for at least twenty days, and also by publication of such notice in some newspaper published in the county where the office of the board of directors of such district is required to be kept, once a week for at least three successive weeks. Such notices must specify the time for holding the election, and the amount of assessment proposed to be levied. Said election must be held and the result thereof determined and declared in all respects as nearly as practicable in conformity with the provisions of this act governing the election of officers; provided, that no informalities in conducting such an election shall invalidate the same, if the election shall have been otherwise fairly conducted. At such election the ballots shall contain the words "Assessment—

Yes," or "Assessment--No," or words equivalent thereto. If a majority of the votes cast are "Assessment--Yes," the board of directors shall cause an assessment in the amount named in the order of submission to be levied; if a majority of the votes cast are "Assessment--No," the result of such election shall be so declared and entered of record.

DUTIES OF THE ASSESSOR.

Sec. 35. The assessor must, between the first Monday in March and the first Monday in June, in each year, assess all real property in the district, to the persons who own, claim, have the possession, or control thereof, at its full cash value. He must prepare an assessment book, with appropriate headings, in which must be listed all such property within the district, in which must be specified, in separate columns, under the appropriate head: (a) The name of the person to whom the property is assessed (if the name is not known to the assessor the property shall be assessed to "unknown owners"); (b) land by township, range, section, or fractional section, and when such land is not a congressional division or subdivision, by metes and bounds, or other description sufficient to identify it, giving an estimate of the number of acres, locality, and the improvements thereon; (c) city and town lots, naming the city or town, and the number and block, according to the system of numbering in such city or town, and the improvements thereon; (d) the cash value of real estate, other than city or town lots; (e) the cash value of improvements on such real estate; (f) the cash value of city and town lots; (g) the cash value of improvements on city and town lots; (h) the cash value of improvements on real estate assessed to persons other than the owners of the real estate; (i) the total value of all property assessed; (j) the total value of all property after equalization by the board of directors; (k) such other things as the board of directors may require. Any property which may have escaped the payment of any assessment for any year, shall, in addition to the assessment for the then current year, be assessed for such year with the same effect and with the same penalties as are provided for such current year.

Sec. 36. The board of directors must allow the assessor as many deputies, to be appointed by him, as will, in the

judgment of the board, enable him to complete the assessment within the time herein prescribed. The board must fix the compensation of such deputies, which shall be paid out of the treasury of the district. The compensation must not exceed five dollars per day for each deputy, for the time actually engaged, nor must any allowance be made but for work done between the first Monday in March and the first Monday in August in each year.

Sec. 37. On or before the first Monday in August in each year, the assessor must complete his assessment book, and deliver it to the secretary of the board, who must immediately give notice thereof, and of the time the board of directors, acting as a board of equalization, will meet to equalize assessments, by publication in a newspaper published in each of the counties comprising the district. The time fixed for the meeting shall not be less than twenty nor more than thirty days from the first publication of the notice; and in the mean time the assessment book must remain in the office of the secretary for the inspection of all persons interested.

EQUALIZATION OF ASSESSMENT.

Sec. 38. Upon the day specified in the notice required by the preceding section for the meeting, the board of directors, which is hereby constituted a board of equalization for that purpose, shall meet and continue in session from time to time, as long as may be necessary, not to exceed ten days, exclusive of Sundays, to hear and determine such objections to the valuation and assessment as may come before them; and the board may change the valuation as may be just. The secretary of the board shall be present during its sessions, and note all changes made in the valuation of property, and in the names of the persons whose property is assessed; and within ten days after the close of the session he shall have the total values, as finally equalized by the board, extended into columns and added.

LEVY OF AND COLLECTION OF TAXES.

Sec. 39. The board of directors shall then levy an assessment sufficient to raise the annual interest on the outstanding bonds, and in any year in which any bonds shall fall due must increase said assessment to an amount sufficient to raise a sum sufficient to pay the principal of the outstanding bonds as they mature. The secretary of the

board must compute and enter in a separate column of the assessment book the respective sums, in dollars and cents, to be paid as an assessment on the property therein enumerated. When collected, the assessment shall be paid into the district treasury and be apportioned to the several proper funds.

In case of the neglect or refusal of the board of directors to cause such assessments and levies to be made as in this act provided, then the assessment of property made by the county assessor and the state board of equalization shall be adopted, and shall be the basis of assessment for the district, and the board of supervisors of the county in which the office of the board of directors is situated shall cause an assessment roll for said district to be prepared, and shall make the levy required by this act, in the same manner and with like effect as if the same had been made by said board of directors, and all expenses incident thereto shall be borne by such district. In case of the neglect or refusal of the collector or treasurer of the district to perform the duties imposed by law, then the tax collector and treasurer of the county in which the office of the board of directors is situated must, respectively, perform such duties, and shall be accountable therefor upon their official bonds as in other cases.

Sec. 40. The assessment upon real property is a lien against the property assessed from and after the first Monday in March for any year, and the lien for the bonds of any issue shall be a preferred lien to that for any subsequent issue, and such lien is not removed until the assessments are paid, or the property sold for the payment thereof.

Sec. 41. On or before the first day of November, the secretary must deliver the assessment-book to the collector of the district, who shall within twenty days publish a notice, in a newspaper published in each county in which any portion of the district may lie, that said assessments are due and payable, and will become delinquent at six o'clock P. M. on the last Monday of December next thereafter, and that unless paid prior thereto, five per cent will be added to the amount thereof, and also the time and place at which payment of assessments may be made, which notice shall be published for the period of two weeks. The collector must attend at the time and place specified in the notice, to receive assessments, which must

be paid in gold and silver coin; he must mark the date of payment of any assessment in the assessment-book, opposite the name of the person paying, and give a receipt to such person, specifying the amount of the assessment and the amount paid, with a description of the property assessed. On the last Monday in December, at six o'clock P. M., of each year, all unpaid assessments are delinquent, and thereafter the collector must collect thereon, for the use of the district, an addition of five per cent.

PUBLICATION OF DELINQUENT NOTICE.

Sec. 42. On or before the first day of February, the collector must publish the delinquent list, which must contain the names of the persons and a description of the property delinquent, and the amount of the assessments and costs due opposite each name and description. He must append to and publish with the delinquent list a notice, that unless the assessments delinquent, together with costs and percentage, are paid, the real property upon which such assessments are a lien will be sold at public auction. The publication must be made once a week for three successive weeks, in a newspaper published in the county in which the property delinquent is situated; provided, that if any property assessed to the same person or corporation shall lie in more than one county, then such publication may be made in any county in which any portion of such property may lie. The publication must designate the time and place of sale. The time of sale must not be less than twenty-one nor more than twenty-eight days from the first publication, and the place must be at some point designated by the collector, within the district; provided, however, that if there should occur any error in the publication of the sale of the delinquent property, which might invalidate a sale made thereunder, and such error is discovered prior to sale thereunder the collector shall at once republish the sale of the property affected by such error, making such republication conform to the provisions of this law, and the time of sale designated in such republication must not be less than twenty-one nor more than twenty-eight days from the first republication; and the place of sale must be at some point designated by the collector within the district, and stated in such republication.

SALE FOR DELINQUENT TAXES.

Sec. 43. The collector must collect, in addition to the assessments due on the delinquent list and five per cent added, fifty cents on each lot, piece, or tract of land separately assessed. On the day fixed for the sale, or some subsequent day to which he may have postponed it, of which he must give notice, the collector, between the hours of ten A. M. and three o'clock P. M., must commence the sale of the property advertised, commencing at the head of the list and continuing alphabetically, or in the numerical order of the lots or blocks, until completed. He may postpone the day of commencing the sales, or the sale, from day to day, but the sale must be completed within three weeks from the day first fixed; provided, that if any sale or sales shall be stayed by legal proceedings, the time of the continuance of such proceedings is not part of the time limited for making such sale or sales; and provided further, that in any district where the validity of any assessment shall be in litigation at the time this act shall take effect, the sale of any property, whether it be involved in such litigation or not, may be postponed for a time not to exceed four months.

Sec. 44. The owner or person in possession of any real estate offered for sale for assessments due thereon may designate, in writing, to the collector, prior to the sale, what portion of the property he wishes sold, if less than the whole; but if the owner or possessor does not, then the collector may designate it and the person who will take the least quantity of the land, or in case an undivided interest is assessed, then the smallest portion of the interest, and pay the assessments and costs due, including two dollars for the duplicate certificate of sale, is the purchaser. If the purchaser does not pay the assessments and costs before ten o'clock A. M. the following day, the property on the next sale day must be resold for the assessments and costs. But in case there is no purchaser in good faith for the same on the first day that the property is offered for sale, then, when the property is offered thereafter for sale, and there is no purchaser in good faith for the same, the whole amount of the property assessed shall be struck off to the irrigation district within which such lands are situated as the purchaser, and the duplicate certificate delivered to

the treasurer of the district, and filed by him in his office. No charge shall be made for the duplicate certificate where the district is the purchaser, and, in such case, the collector shall make an entry, "Sold to the district," and he shall be credited with the amount thereof in his settlement. An irrigation district as a purchaser at such sale, shall be entitled to the same rights as a private purchaser, and the title so acquired by the district, subject to the right of redemption herein provided, may be conveyed by deed, executed and acknowledged by the president and secretary of said board; provided, that authority to so convey must be conferred by resolution of the board entered on its minutes, fixing the price at which such sale may be made, and such conveyance shall not be made for a less sum than the reasonable market value of such property.

Sec. 45. After receiving the amount of assessments and costs, the collector must make out in duplicate a certificate, dated on the day of sale, stating (when known) the name of the person assessed, a description of the land sold, the amount paid therefor, that it was sold for assessments, giving the amount and year of the assessment, and specifying the time when the purchaser will be entitled to a deed. The certificate must be signed by the collector, and one copy delivered to the purchaser, and the other filed in the office of the county recorder of the county in which the land is situated.

Sec. 46. The collector, before delivering any certificate, must in a book enter a description of the land sold, corresponding with the description in the certificate, the date of the sale, purchasers' names, and amount paid, regularly number the description on the margin of the book, and put a corresponding number on each certificate. Such book must be open to public inspection, without fee, during office hours, when not in actual use. On filing the certificate with such county recorder the lien of the assessments vests with the purchaser, and is only divested by the payment to him, or to the collector for his use, of the purchase money, and two per cent per month from the day of sale until redemption.

REDEMPTION OF PROPERTY SOLD FOR DELINQUENT TAXES.

Sec. 47. A redemption of the property sold may be made by the owner, or any party in interest, within twelve

months from the date of purchase; provided, that all land heretofore sold at delinquent tax sale under any of the provisions of an act entitled "An act to provide for the organization and government of irrigation districts, and to provide for the acquisition of water and other property, and for the distribution of water thereby for irrigation purposes," approved March seventh, eighteen hundred and eighty-seven, or the acts supplementary thereto or amendatory thereof, where deeds have not been made and delivered, or when such deed has been made to the district, and the district has not disposed of the same, may be redeemed any time within six months from January twenty-seventh, eighteen hundred and ninety-seven. Redemption must be made in gold or silver coin, as provided for the collection of state and county taxes, and when made to the collector he must credit the amount paid to the person named in the certificate, and pay it, on demand, to the person or his assignees. In each report the collector makes to the board of directors, he must name the person entitled to redemption money, and the amount due each. On receiving the certificate of sale, the county recorder must file it and make an entry in a book similar to that required of the collector. On the presentation of the receipt of the person named in the certificate, or of the collector for his use, of the total amount of the redemption money, the recorder must mark the word "redeemed," the date, and by whom redeemed, on the certificate and on the margin of the book where the entry of the certificate is made. If the property is not redeemed within the time herein provided, the collector, or his successor in office, must make to the purchaser, or his assignee, a deed of the property, reciting in the deed substantially the matters contained in the certificate, and that no person redeemed the property during the time allowed by law for its redemption. The collector shall receive from the purchaser, for the use of the district, two dollars for making such deed.

Sec. 48. The matter recited in the certificate of sale must be recited in the deed, and such deed duly acknowledged or proved is prima facie evidence that: (a) The property was assessed as required by law; (b) the property was equalized as required by law; (c) that the assessments were levied in accordance with law; (d) the assessments

were not paid; (e) at a proper time and place the property was sold as prescribed by law, and by the proper officer; (f) the property was not redeemed; (g) the person who executed the deed was the proper officer.

Such deed duly acknowledged or proved is (except as against actual fraud) conclusive evidence of the regularity of all the proceedings from the assessment by the assessor, inclusive, up to the execution of the deed. The deed conveys to the grantee the absolute title to the lands described therein free of all incumbrances, except when the land is owned by the United States, or this state, in which case it is prima facie evidence of the right of possession.

Sec. 49. The assessment book or delinquent list, or a copy thereof, certified by the collector, showing unpaid assessments against any person, or property, is prima facie evidence of the assessment, the property assessed, the delinquency, the amount of assessments due and unpaid, and that all the forms of the law in relation to the assessment and levy of such assessments have been complied with.

Sec. 50. When land is sold for assessments correctly imposed, as the property of a particular person, no misnomer of the owner, or supposed owner, or other mistake relating to the ownership thereof, affects the sale, or renders it void, or voidable.

Sec. 51. On the first Monday in each month, the collector must settle with the secretary of the board for all moneys collected for assessments, and pay the same over to the treasurer; and within six days thereafter he must deliver to and file in the office of the secretary a statement under oath, showing: (a) An account of all his transactions and receipts since his last settlement; (b) that all money collected by him as collector has been paid. The collector shall also file in the office of the secretary, on said first Monday in each month, the receipt of the treasurer for the money so paid.

REDEMPTION OF BONDS, AND PAYMENT OF INTEREST.

Sec. 52. Upon the presentation of the coupons due, to the treasurer, he shall pay the same from the bond fund. Whenever said fund shall amount to the sum of ten thousand dollars in excess of an amount sufficient to meet the interest coupons due, the board of directors may direct the

treasurer to pay such an amount of said bonds not due as the money in said fund will redeem, at the lowest value at which they may be offered for liquidation, after advertising in the manner hereinbefore provided for the sale of bonds, for sealed proposals for the redemption of said bonds. Said proposals shall be opened by the board in open meeting, at a time to be named in the notice, and the lowest bid for said bonds must be accepted; provided, that no bond shall be redeemed at a rate above par. In case the bids are equal, the lowest numbered bond shall have the preference. In case none of the holders of said bonds shall desire to have the same redeemed, as herein provided for, said money shall be invested by the treasurer, under the direction of the board, in United States bonds, or the bonds of the state, which shall be kept in said "bond fund," and may be used to redeem said district bonds whenever the holders thereof may desire.

CONSTRUCTION OF WORKS.

Sec. 53. After adopting a plan for such canal or canals, storage reservoirs, and works, as in this act provided for, the board of directors shall give notice, by publication thereof not less than twenty days in one newspaper published in each of the counties composing the district (provided, a newspaper is published therein), and in such other newspapers as they may deem advisable, calling for bids for the construction of such work, or of any portion thereof; if less than the whole work is advertised, then the portion so advertised must be particularly described in such notice. Said notice shall set forth that plans and specifications can be seen at the office of the board, and that the board will receive sealed proposals therefor, and that the contract will be let to the lowest responsible bidder, stating the time and place for opening said proposals, which, at the time and place appointed, shall be opened in public; and as soon as convenient thereafter the board shall let said work, either in portions or as a whole, to the lowest responsible bidder; or they may reject any or all bids and readvertise for proposals, or may proceed to construct the work under their own superintendence. Contracts for the purchase of material shall be awarded to the lowest responsible bidder. Any person or persons to whom a contract may be awarded shall enter into a bond, with good and sufficient sureties, to be approved by the board,

payable to said district for its use, for twenty-five per cent of the amount of the contract price, conditioned for the faithful performance of said contract. The work shall be done under the direction and to the satisfaction of the engineer, and be approved by the board.

Sec. 54. No claim shall be paid by the treasurer until allowed by the board, and only upon a warrant signed by the president, and countersigned by the secretary; provided, that the board may draw, from time to time, from the construction fund, and deposit in the county treasury of the county where the office of the board is situated any sum in excess of the sum of twenty-five thousand dollars. The county treasurer of said county is hereby authorized and required to receive and receipt for the same and place the same to the credit of said district, and he shall be responsible upon his official bond for the safe-keeping and disbursement of the same, as in this act provided. He shall pay out the same, or any portion thereof, to the treasurer of the district only, and only upon the order of the board, signed by the president, and attested by the secretary. The said county treasurer shall report, in writing, on the second Monday in each month, the amount of money in the county treasury, the amount of receipts for the month preceding, and the amount or amounts paid out; said report shall be verified and filed with the secretary of the board. The district treasurer shall also report to the board, in writing, on the first Monday in each month, the amount of money in the district treasury, the amount of receipts for the month preceding, and the amount and items of expenditures, and said report shall be verified and filed with the secretary of the board.

Sec. 55. The cost and expense of purchasing and acquiring property and constructing the works and improvements herein provided for, shall be wholly paid out of the construction fund. For the purpose of defraying the expenses of the organization of the district, and of the care, operation, management, repair, and improvement of such portions of said canal and works as are completed and in use, including salaries of officers and employees, the board may in lieu (either in part or in whole) of levying assessments as herein provided for, fix rates of tolls and charges, and collect the same from all persons using said canal for irrigation and other purposes.

Sec. 56. The board of directors shall have power to construct the said works across any stream of water, water-course, street, avenue, highway, railway, canal, ditch, or flume which the route of said canal or canals may intersect or cross, in such manner as to afford security for life and property; but said board shall restore the same, when so crossed or intersected, to its former state as near as may be, or in a sufficient manner not to have impaired unnecessarily its usefulness; and every company whose railroad shall be intersected or crossed by said works shall unite with said board in forming said intersections and crossings, and grant the privileges aforesaid; and if such railroad company and said board, or the owners and controllers of the said property, thing, or franchise so to be crossed, cannot agree upon the amount to be paid therefor, or the points or the manner of said crossings or intersections, the same shall be ascertained and determined in all respects as is herein provided in respect to the taking of land. The right of way is hereby given, dedicated, and set apart, to locate, construct, and maintain said works over and through any of the lands which are now or may be the property of this state; and also there is given, dedicated, and set apart, for the uses and purposes aforesaid, all waters and water-rights belonging to this state within the district.

GOVERNING DIRECTORS.

Sec. 57. The directors, when sitting as a board, or acting under the orders of the board, shall each receive not to exceed three dollars per day, and actual and necessary expenses paid while engaged in official business under the order of the board. The board shall fix the compensation to be paid to all officers named in this act, to be paid out of the treasury of the district; provided, that said board shall, upon the petition of at least fifty, or a majority of the freeholders within such district, therefor, submit to the electors at any general election a schedule of salaries and fees to be paid hereunder. Such petition must be presented to the board not less than twenty days nor more than forty days prior to a general election, and the result of such election shall be determined and declared in all respects as other elections are determined and declared under this act.

Sec. 58. No director or any other officer named in this

act shall in any manner be interested, directly or indirectly, in any contract awarded or to be awarded by the board, or in the profits to be derived therefrom; and for any violation of this provision, such officer shall be deemed guilty of a misdemeanor, and such conviction shall work a forfeiture of his office, and he shall be punished by a fine not exceeding five hundred dollars, or by imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment.

SPECIAL ASSESSMENTS.

Sec. 59. The board of directors may, at any time, when in their judgment it may be deemed advisable, call a special election and submit to the qualified electors of the district the question, whether or not a special assessment shall be levied for the purpose of raising money to be applied to any of the purposes provided in this act. Such election must be called upon the notice prescribed, and the same shall be held and the result thereof determined and declared in all respects in conformity with the provisions of section thirty of this act. The notice must specify the amount of money proposed to be raised and the purpose for which it is intended to be used. At such elections the ballots shall contain the words "Assessment—Yes," or "Assessment—No." If two thirds or more of the votes cast are "Assessment—Yes," the board shall, at the time of the annual levy hereunder, levy an assessment sufficient to raise the amount voted.

Sec. 60. The rate of assessments levied under the provisions of this act shall be ascertained by deducting fifteen per cent for anticipated delinquencies from the aggregate assessed value of the property in the district as it appears on the assessment-roll for the current year, and then dividing the sum voted by the remainder of such aggregate assessed value. The assessments so levied shall be computed and entered on the assessment-roll by the secretary of the board, and collected at the same time and in the same manner as other assessments provided for herein; and when collected shall be paid into the district treasury for the purposes specified in the notice of such special election.

INCURRING INDEBTEDNESS.

Sec. 61. The board of directors, or other officers of the district, shall have no power to incur any debt or liability

whatever, either by issuing bonds or otherwise, in excess of the express provisions of this act; and any debt or liability incurred in excess of such express provisions shall be and remain absolutely void, except that for the purposes of organization, or for any of the purposes of this act, the board of directors may, before the collection of the first assessment, incur an indebtedness not exceeding in the aggregate the sum of two thousand dollars, and may cause warrants of the district to issue therefor, bearing interest at seven per cent per annum.

GOVERNING THE USE OF WATER.

Sec. 62. In case the volume of water in any stream or river shall not be sufficient to supply the continual wants of the entire country through which it passes, and susceptible of irrigation therefrom, then it shall be the duty of the water commissioners, constituted as hereinafter provided, to apportion, in a just and equitable proportion, a certain amount of said water upon certain or alternate weekly days to different localities, as they may, in their judgment, think best for the interest of all parties concerned, and with due regard to the legal and equitable rights of all. Said water commissioners shall consist of the chairman of the board of directors of each of the districts affected.

Sec. 63. It shall be the duty of the board of directors to keep the water flowing through the ditches under their control to the full capacity of such ditches in times of high water.

Sec. 64. Navigation shall never in any wise be impaired by the operation of this act, nor shall any vested interest in or to any mining water rights or ditches, or in or to any water or water rights, or reservoirs or dams now used by the owners or possessors thereof in connection with any mining industry, or by persons purchasing or renting the use thereof, or in or to any other property now used, directly or indirectly, in carrying on or promoting the mining industry, ever be affected by or taken under its provisions, save and except that rights of way may be acquired over the same.

Sec. 65. Nothing herein contained shall be deemed to authorize any person or persons to divert the waters of any river, creek, stream, canal, or ditch from its channel, to the detriment of any person or persons having any interest

in such river, creek, stream, canal, or ditch, or the waters therein, unless previous compensation be ascertained and paid therefor, under the laws of this state authorizing the taking of private property for public uses.

EXEMPTION FROM TAXATION—CREATION OF FUNDS.

Sec. 66. The rights of way, ditches, flumes, pipe-lines, dams, water rights, reservoirs, and other property of like character, belonging to any irrigation district shall not be taxed for state and county or municipal purposes.

Sec. 67. The following funds are hereby created and established, to which the moneys properly belonging shall be apportioned, to wit: Bond fund, construction fund, general fund.

GENERAL PROVISIONS.

Sec. 68. The board of directors may, at any time after the issue of any bonds or the levy of any assessment herein provided for, bring an action in the superior court of the county wherein is located the office of such board, to determine the validity of any such bonds or such levy of assessments; such action shall be in the nature of a proceeding in rem, and jurisdiction of all parties interested may be had by publication of summons for at least once a week for three weeks in some paper of general circulation published in the county where the action is pending, such paper to be designated by the court having jurisdiction of the proceedings. Jurisdiction shall be complete within ten days after the full publication of such summons in the manner herein provided. Any one interested may at any time before the expiration of said ten days appear and by proper proceedings contest the validity of such bonds or assessments. Such action shall be speedily tried and judgment rendered declaring such matter so contested either valid or invalid. Either party may have the right to appeal to the supreme court at any time within thirty days after the rendition of such judgment, which appeal must be heard and determined within three months from the time of taking such appeal.

Sec. 69. If no such proceedings shall have been brought by the board of directors, then, at any time within thirty days after the levy of any assessment or issue of any bonds under the provisions of this act, any district assessment-payer may bring an action in the superior court of

the county where the office of the board of directors is located, to determine the validity of any such assessment or such bonds. The board of directors shall be made parties defendant, and service of summons shall be made on the members of the board personally. Said board shall have the right to appear and contest such action. Such action shall be speedily tried, with the right of appeal to either party, within the time and manner herein provided for the bringing of actions by the board to determine such matters. Such appeal shall be heard and determined in the manner and within the time therein provided.

Sec. 70. If more than one action shall be pending at the same time concerning similar contests in this act provided for, they shall be consolidated and tried together.

Sec. 71. The court hearing any of the contests herein provided for, in inquiring into the regularity, legality, or correctness of such proceedings, must disregard any error, irregularity, or omission which does not affect the substantial rights of the parties to said action or proceeding. The rules of pleading and practice provided by the Code of Civil Procedure, which are not inconsistent with the provisions of this act, are applicable to all actions or proceedings herein provided for. The motion for a new trial of any such action or proceeding must be heard and determined within ten days from the filing of the notice of intention. The costs on any hearing, or contest herein provided for, may be allowed and apportioned between the parties, or taxed to the losing party, in the discretion of the court.

Sec. 72. No contest of anything or matter herein provided shall be made other than within the time and manner herein specified.

Sec. 73. For any willful violation of any express duty herein provided for, on the part of any officer herein named, he shall be liable upon his official bond, and be subject to removal from office, by proceedings brought in the superior court of the county wherein the office of the board of directors of the district is located, by any assessment-payer of the district.

EXCLUSION OF LANDS.

Sec. 74. The boundaries of any irrigation district now organized or hereafter organized under the provision of this act, may be changed, and tracts of land which were

included within the boundaries of such district at or after its organization under the provisions of said act, may be excluded therefrom, in the manner herein prescribed; but neither such change of the boundaries of the districts nor such exclusion of lands from the district shall impair or affect its organization, or its right in or to property, or any of its rights or privileges of whatever kind or nature; nor shall it affect, impair, or discharge any contract, obligation, lien, or charge for or upon which said district was and may become liable or chargeable, had such change of its boundaries not been made, or had not such land been excluded from the district.

Sec. 75. The owner or owners in fee of one or more tracts of land which constitute a portion of an irrigation district may jointly or severally file with the board of directors of the district a petition, praying that such tract or tracts, and any other tracts contiguous thereto, may be excluded and taken from said district. The petition shall state the grounds and reasons upon which it is claimed that such lands should be excluded and shall describe the boundaries thereof, and also the lands of such petitioner or petitioners which are included within such boundaries; but the description of such lands need not be more particular or certain than is required when the lands are entered in the assessment book by the county assessor. Such petition must be acknowledged in the same manner and form as is required in the case of a conveyance of land, and the acknowledgment shall have the same force and effect as evidence as the acknowledgment of such a conveyance.

Sec. 76. The secretary of the board of directors shall cause a notice of the filing of such petition to be published for at least two weeks in some newspaper published in the county where the office of the board of directors is situated, and if any portion of such territory to be excluded lie within another county or counties, then said notice shall be so published in a newspaper published within each of said counties; or if no newspaper be published therein, then by posting such notice for the same time in at least three public places in said district, and in case of the posting of said notices, one of said notices must be so posted on the lands proposed to be excluded. The notice shall state the filing of such petition, the names of the

petitioners, a description of the lands mentioned in said petition, and the prayer of said petition; and it shall notify all persons interested in, or who may be affected by such change of the boundaries of the district, to appear at the office of said board at a time named in said notice, and show cause, in writing, if any they have, why the change of the boundaries of said district, as proposed in said petition, should not be made. The time to be specified in the notice at which they shall be required to show cause shall be the regular meeting of the board next after the expiration of the time for the publication of the notice.

Sec. 77. The board of directors, at the time and place mentioned in the notice, or at the time or times to which the hearing of said petition may be adjourned, shall proceed to hear the petition, and all evidence or proofs that may or shall be introduced by or on behalf of the petitioner or petitioners, and all objections to such petition that may or shall be presented in writing by any person showing cause as aforesaid, and all evidence and proofs that may be introduced in support of such objections. Such evidence shall be taken down in shorthand, and a record made thereof and filed with the board. The failure of any person interested in said district, other than the holders of bonds thereof outstanding at the time of the filing of said petition with said board, to show cause, in writing, why the tract or tracts of land mentioned in said petition should not be excluded from said district, shall be deemed and taken as an assent by him to the exclusion of such tract or tracts of land, or any part thereof, from said district; and the filing of such petition with said board, as aforesaid, shall be deemed and taken as an assent by each and all of such petitioners to the exclusion from such district of the lands mentioned in the petition, or any part thereof. The expenses of giving said notice and of the aforesaid proceeding shall be paid by the person or persons filing such petition.

Sec. 78. If, upon the hearing of any such petition, no evidence or proofs in support thereof be introduced, or if the evidence fail to sustain said petition, or if the board deem it not for the best interests of the district that the lands, or some portion thereof, mentioned in the petition, should be excluded from the district, the board shall order that said petition be denied as to such lands; but if the

said board deem it for the best interests of the district that the lands mentioned in the petition, or some portion thereof, be excluded from the district, and if no person interested in the district show cause, in writing, why the said lands, or some portion thereof, should not be excluded from the district, or if, having shown cause, withdraws the same, or upon the hearing fails to establish such objections as he may have made, then it shall be the duty of the board to, and it shall forthwith, make an order that the lands mentioned and described in the petition, or some defined portion thereof, be excluded from said district; provided, that it shall be the duty of said board to so order, upon petition therefor as aforesaid, that all lands so petitioned to be excluded from said district shall be excluded therefrom which cannot be irrigated from, or which are not susceptible to, or would not, by reason of being permanently devoted to uses other than agricultural, horticultural, viticultural, or grazing, be directly benefited by the actual irrigation of the same from a common source, or by the same system of works with the other lands of said district, or from the source selected, chosen, or provided, or the system adopted for the irrigation of the lands of said district, or which are already irrigated or entitled to be irrigated, from another source or by another system of irrigation works; but no lands included within the limits of any city or town, or which shall have been subdivided into town lots or blocks, shall be excluded under the provisions of this act.

Sec. 79. If there be outstanding bonds of the district at the time of the filing of said petition, the holders of such outstanding bonds may give their assent, in writing, to the effect that they severally consent that the lands mentioned in the petition, or such portion thereof as may be excluded from said district by order of said board, or the decree of the superior court as hereinafter provided, may be excluded from the district; and if said lands, or any portion thereof, be thereafter excluded from the district, the lands so excluded shall be released from the lien of such outstanding bonds. The assent must be acknowledged by the several holders of such bonds in the same manner and form as is required in case of a conveyance of land, and the acknowledgment shall have the same force and effect as evidence as the acknowledgment

of such conveyance. The assent shall be filed with the board, and must be recorded in the minutes of the board; and said minutes, or a copy thereof, certified by the secretary of said board, shall be admissible in evidence, with the same effect as the said assent, and such certified copy thereof may be recorded in the office of the county recorder of the county wherein said lands are situated.

Sec. 80. In the event the said board of directors shall exclude any lands from said district upon petition therefor, it shall be the duty of the board of directors to make an entry in the minutes of the board, describing the boundaries of the district, should the exclusion of said lands from said district change the boundaries of said district, and for that purpose the board may cause a survey to be made of such portions of the district as the board may deem necessary; and a certified copy of the entry in the minutes of the board excluding any land, certified by the president and secretary of the board, shall be filed for record in the recorder's office of each county within which are situated any of the lands of the district; but said district, notwithstanding such exclusion, shall be and remain an irrigation district as fully, to every intent and purpose, as it would be had no change been made in the boundaries of the district, or had the lands excluded therefrom never constituted a portion of the district.

Sec. 81. If the lands excluded from any district under this act shall embrace the greater portion of any division or divisions of such district, then the office of director for such division or divisions shall become and be vacant at the expiration of ten days from the final order of the board excluding said lands; and such vacancy or vacancies shall be filled by appointment by the board of supervisors of the county where the office of such board is situated, from the district at large. A director appointed as above provided, shall hold his office until the next regular election for said district, and until his successor is elected and qualified.

Sec. 82. At least thirty days before the next general election of such district, the board of directors thereof shall make an order dividing said district into three or five divisions, as the case may require, as nearly equal in size as may be practicable, which shall be numbered first, second, third, and so on, and one director shall be

elected by each division. For the purposes of elections in such district, the said board of directors must establish a convenient number of election precincts, and define the boundaries thereof, which said precincts may be changed from time to time, as the board of directors may deem necessary.

Sec. 83. A guardian and executor, or an administrator of an estate, who is appointed as such under the laws of this state, and who, as such guardian, executor, or administrator, is entitled to the possession of the lands belonging to the estate which he represents, may, on behalf of his ward, or the estate which he represents, upon being thereto properly authorized by the proper court, sign and acknowledge the petition in this act mentioned, and may show cause, as in this act provided, why the boundaries of the district should not be changed.

Sec. 84. Nothing in this act provided shall, in any manner, operate to release any of the lands so excluded from the district from any obligation to pay, or any lien thereon, of any valid outstanding bonds or other indebtedness of said district at the time of the filing of said petition for the exclusion of said lands, but upon the contrary, said lands shall be held subject to said lien, and answerable and chargeable for and with the payment and discharge of all of said outstanding obligations at the time of the filing of the petition for the exclusion of said land, as fully as though said petition for such exclusion were never filed and said order or decree of exclusion never made; and for the purpose of discharging such outstanding indebtedness, said lands so excluded shall be deemed and considered as part of said irrigation district the same as though said petition for its exclusion had never been filed or said order or decree of exclusion never made; and all provisions which may have been resorted to to compel the payment by said lands of its quota or portion of said outstanding obligations, had said exclusion never been accomplished, may, notwithstanding said exclusion, be resorted to to compel and enforce the payment on the part of said lands of its quota and portion of said outstanding obligations of said irrigation district for which it is liable, as herein provided. But said land so excluded shall not be held answerable or chargeable for any obligation of any nature or kind whatever, incurred after the

filing with the board of directors of said district of the petition for the exclusion of said lands from the said district; provided, that the provisions of this section shall not apply to any outstanding bonds, the holders of which have assented to the exclusion of such lands from said district, as hereinbefore provided.

INCLUSION OF LANDS.

Sec. 85. The boundaries of any irrigation district now organized or hereafter organized under the provisions of this act may be changed in the manner herein prescribed; but such change of the boundaries of the district shall not impair or affect its organization, or its rights in or to property, or any of its rights or privileges of whatsoever kind or nature; nor shall it affect, impair, or discharge any contract, obligation, lien, or charge for or upon which it was or might become liable or chargeable, had such change of its boundaries not been made.

Sec. 86. The holder or holders, of title, or evidence of title, representing one half or more of any body of lands adjacent to the boundary of an irrigation district, which are contiguous, and which, taken together, constitute one tract of land, may file with the board of directors of said district a petition, in writing, praying that the boundaries of said district may be so changed as to include therein said lands. The petition shall describe the boundaries of said parcel or tract of land, and shall also describe the boundaries of the several parcels owned by the petitioners, if the petitioners be the owners, respectively, of distinct parcels, but such descriptions need not be more particular than they are required to be when such lands are entered by the county assessor in the assessment book. Such petition must contain the assent of the petitioners to the inclusion within said district of the parcels or tracts of land described in the petition, and of which said petition alleges they are, respectively, the owners; and it must be acknowledged in the same manner that conveyances of land are required to be acknowledged.

Sec. 87. The secretary of the board of directors shall cause a notice of the filing of such petition to be given and published in the same manner and for the same time that notices of special elections for the issue of bonds are required by this act to be published. The notice shall state the filing of such petition and the names of the

petitioners, a description of the lands mentioned in said petition, and the prayer of said petition; and it shall notify all persons interested in, or that may be affected by such change of the boundaries of the district, to appear at the office of said board, at a time named in said notice, and show cause in writing, if any they have, why the change in the boundaries of said district, as proposed in said petition, should not be made. The time to be specified in the notice at which they shall be required to show cause shall be the regular meeting of the board next after the expiration of the time for the publication of the notice. The petitioners shall advance to the secretary sufficient money to pay the estimated costs of all proceedings under this act.

Sec. 88. The board of directors, at the time and place mentioned in the said notice, or at such other time or times to which the hearing of said petition may be adjourned, shall proceed to hear the petition, and all the objections thereto, presented in writing by any person showing cause as aforesaid why said proposed change of the boundaries of the district should not be made. The failure by any person interested in said district, or in the matter of the proposed change of its boundaries, to show cause, in writing, as aforesaid, shall be deemed and taken as an assent on his part to a change of the boundaries of the district as prayed for in said petition, or to such a change thereof as will include a part of said lands. And the filing of such petition with said board, as aforesaid, shall be deemed and taken as an assent on the part of each and all of such petitioners to such a change of said boundaries that they may include the whole or any portion of the lands described in said petition.

Sec. 89. The board of directors to whom such petition is presented, may require, as a condition precedent to the granting of the same, that the petitioners shall severally pay to such district such respective sums, as nearly as the same can be estimated (the several amounts to be determined by the board), as said petitioners or their grantors would have been required to pay to such district as assessments, had such lands been included in such district at the time the same was originally formed.

Sec. 90. The board of directors, if they deem it not for the best interests of the district that a change of its

boundaries be so made as to include therein the lands mentioned in the petition, shall order that the petition be rejected. But if they deem it for the best interests of the district that the boundaries of said district be changed, and if no person interested in said district or the proposed change of its boundaries shows cause, in writing, why the proposed change should not be made, or if, having shown cause, withdraws the same, the board may order that the boundaries of the district be so changed as to include therein the lands mentioned in said petition or some part thereof. The order shall describe the boundaries as changed, and shall also describe the entire boundaries of the district as they will be after the change thereof as aforesaid is made; and for that purpose the board may cause a survey to be made of such portions of such boundary as is deemed necessary.

Sec. 91. If any person interested in said district, or the proposed change of its boundaries, shall show cause as aforesaid why such boundaries should not be changed, and shall not withdraw the same, and if the board of directors deem it for the best interests of the district that the boundaries thereof be so changed as to include therein the lands mentioned in the petition, or some part thereof, the board shall adopt a resolution to that effect. The resolution shall describe the exterior boundaries of the lands which the board are of the opinion should be included within the boundaries of the district when changed.

Sec. 92. Upon the adoption of the resolution mentioned in the last preceding section, the board shall order that an election be held within said district, to determine whether the boundaries of the district shall be changed as mentioned in said resolution; and shall fix the time at which such election shall be held, and cause notice thereof to be given and published. Such notice shall be given and published, and such election shall be held and conducted, the returns thereof shall be made and canvassed, and the result of the election ascertained and declared, and all things pertaining thereto conducted in the manner prescribed by said act in case of a special election to determine whether bonds of an irrigation district shall be issued. The ballots cast at said election shall contain the words "For change of boundary," or "Against change of boundary," or words equivalent thereto. The notice

of election shall describe the proposed change of the boundaries in such manner and terms that it can readily be traced.

Sec. 93. If at such election a majority of all the votes cast at said election shall be against such change of the boundaries of the district, the board shall order that said petition be denied, and shall proceed no further in that matter. But if a majority of such votes be in favor of such change of the boundaries of the district, the board shall thereupon order that the boundaries be changed in accordance with said resolution adopted by the board. The said order shall describe the entire boundaries of said district, and for that purpose the board may cause a survey of such portions thereof to be made as the board may deem necessary.

Sec. 94. Upon a change of the boundaries of a district being made, a copy of the order of the board of directors ordering such change, certified by the president and secretary of the board, shall be filed for record in the recorder's office of each county within which are situated any of the lands of the district, and thereupon the district shall be and remain an irrigation district, as fully, and to every intent and purpose, as if the lands which are included in the district by the change of the boundaries, as aforesaid, had been included therein at the original organization of the district.

Sec. 95. Upon the filing of the copies of the order, as in the last preceding section mentioned, the secretary shall record in the minutes of the board the petition aforesaid; and the said minutes, or a certified copy thereof, shall be admissible in evidence, with the same effect as the petition.

Sec. 96. A guardian, an executor, or an administrator of an estate, who is appointed as such under the laws of this state, and who, as such guardian, executor, or administrator, is entitled to the possession of the lands belonging to the estate which he represents, may, on behalf of his ward, or the estate which he represents, upon being thereunto authorized by the proper court, sign and acknowledge the petition in this act mentioned, and may show cause, as in this act mentioned, why the boundaries of the district should not be changed.

Sec. 97. In case of the inclusion of any land within

any district by proceedings under this act, the board of directors must, at least thirty days prior to the next succeeding general election, make an order redividing such district into three or five divisions, as the case may require, as nearly equal in size as may be practicable, which shall be numbered first, second, third, and so on, and one director shall thereafter be elected by each division. For the purposes of elections, the board of directors must establish a convenient number of election precincts in said districts, and define the boundaries thereof, which said precincts may be changed from time to time, as the board may deem necessary.

REDUCTION OF BONDED INDEBTEDNESS.

Sec. 98. Whenever the board of directors of an irrigation district heretofore organized, or hereafter organized under the provisions of this act, shall determine that the authorized bonded indebtedness of such irrigation district is greater than such district is liable to need to complete its system as planned, and there be no outstanding bonds, the board of directors may call a special election for the purpose of voting upon a proposition to reduce such bonded indebtedness to such sum as the board may determine to be sufficient for such purpose.

Sec. 99. Notice of the said election shall be given in the same manner as provided in section thirty of said act, in relation to calling special elections for issuance of bonds. The notice of election must state the amount of the authorized bonded indebtedness of such district, and the amount to which it is proposed to reduce the same; also, the date on which said election will be held, and the polling-places, as established by said board of directors. The ballots cast at said election shall contain the words, "For reducing bonds—Yes," or, "For reducing bonds—No." When the vote is canvassed by the board of directors and entered of record, if a majority of the votes cast shall be "For reducing bonds—Yes," then in that event the board of directors shall only be empowered to issue or sell such amount of bonds as was stipulated in the said notice of such special election; but if a majority of said votes are not "For reducing bonds—Yes," then the authority to issue bonds shall remain the same as before said special election was held.

Sec. 99½. In case there be outstanding bonds of any

district desiring to take advantage of the provisions of this act concerning reduction of bonded indebtedness, the assent of such bondholders may be obtained to such reduction of the bonded indebtedness, in the same manner as provided in section seventy-nine of this act. If such assent is obtained in the manner therein provided, then, and in that event, such district shall be empowered to take advantage of all the provisions of this act, but not otherwise. No reduction of the bonded indebtedness, as in this act provided, shall in any manner affect any order of court that may have been made, adjudicating and confirming the validity of said bonds.

LEASE OF WATER.

Sec. 100. Whenever any irrigation district, heretofore organized, or hereafter organized under the provisions of this act, in the development of its works as by law provided, may have opportunity, without increased expenditure, to utilize the water by it owned or controlled, for mechanical purposes not inconsistent with the provisions of said act, the board of directors may lease the same, as in this act hereinafter provided.

Sec. 101. Whenever the board of directors may desire to lease the use of water, as hereinbefore stated, they shall pass a resolution of intention to so lease the same. Immediately thereafter the secretary shall cause notice of such intention to be given by publication in one newspaper published in each county in which lands of the district are situated, for at least twenty days (provided, a newspaper is published therein, otherwise in any newspaper the board of directors may select), and, if the board thinks proper in such other newspapers as may be deemed advisable, calling for bids for the leasing of said water for the purposes hereinbefore mentioned. Said notice shall state that the board will receive sealed proposals therefor, that the lease will be let to the highest responsible bidder, stating the time and place of opening said proposals.

Sec. 102. At the time and place appointed the board shall proceed to open the proposals in public. As soon thereafter as may be convenient the board shall let said lease in portions, or as a whole, to the highest responsible bidder, or they may reject any or all bids, and readvertise for proposals for the same.

Sec. 103. The rental accruing upon said lease may vary from year to year, as shall be specified in said lease, and shall be payable semi-annually, on the thirtieth day of December and thirtieth day of June of each year. All moneys collected, as in this act provided, shall be paid into the treasury, and be apportioned to such funds as may be deemed advisable.

Sec. 104. The board shall have power, as in this act provided, to execute a lease for any period not exceeding twenty-five years. If at any time the rental shall not be paid on the days hereinbefore mentioned, the amount of such rental then due shall be doubled, and if not paid within ninety days thereafter, the said lease shall be forfeited to said district, together with any and all works constructed, owned, used, or controlled by said lessee.

Sec. 105. Upon the letting of any lease, as in this act provided, the board may require the lessee to execute a bond for the faithful performance of the covenants of said lease, or give such other evidence of good faith as in their judgment may be necessary.

DESTRUCTION OF UNSOLD BONDS.

Sec. 106. Whenever there remains in the hands of the board of directors of any irrigation district heretofore organized, or organized under the provisions of this act, after the completion of its ditch system, and the payment of all demands against such district, any bonds voted to be issued by said district, but not sold, and not necessary to be sold for the raising of funds for the use of such district, said board of directors may call a special election for the purpose of voting upon a proposition to destroy said unsold bonds, or so many of them as may be deemed best, or may submit such proposition at a general election.

Sec. 107. Such election shall be held in the same manner as other elections held under the provisions of this act. A notice of such election shall be given in the same manner as provided in section thirty of this act in relation to calling special elections for the issuance of bonds. The notice of election must state the amount of the bonded indebtedness of such district authorized by the vote of the district, the amount of the bonds remaining unsold, and the amount proposed to be destroyed, and the date on which such election is proposed to be held, and the polling-places as fixed by the board of directors.

The ballots to be cast at such election shall contain the words "For destroying bonds—Yes," and "For destroying bonds—No," and the voter must erase the word "No" in case he favors the destruction of bonds, otherwise the word "Yes."

Sec. 108. When the vote is canvassed by the board of directors and entered of record, if a two-thirds majority of the votes cast should be found to be in favor of the destruction of said bonds, then the president of the board, in the presence of a majority of the members of the board, must destroy the bonds so voted to be destroyed; and the total amount of bonds so destroyed and canceled shall be deducted from the sum authorized to be issued by the electors of said district, and no part thereof shall thereafter be reprinted or reissued.

SAVING CLAUSES.

Sec. 109. Nothing in this act shall be so construed as to affect the validity of any district heretofore organized under the laws of this state, or its rights in or to property, or any of its rights or privileges of whatsoever kind or nature; but said districts are hereby made subject to the provisions of this act so far as applicable; nor shall it affect, impair, or discharge any contract, obligation, lien, or charge for, or upon which it was or might become liable or chargeable had not this act been passed; nor shall it affect the validity of any bonds which have been issued but not sold; nor shall it affect any action which now may be pending.

Sec. 110. Nothing in this act shall be construed as repealing or in any wise modifying the provisions of any other act relating to the subject of irrigation or water commissioners, except such as may be contained in the act, an act entitled an act to provide for the organization and government of irrigation districts, and to provide for the acquisition of water and other property, and for the distribution of water thereby for irrigation purposes, approved March seventh, eighteen hundred and eighty-seven, and the subsequent acts supplementary thereto, and amendatory thereof, all of which acts, so far as they may be inconsistent herewith, are hereby repealed.

Sec. 111. This act shall take effect from and after its passage and approval.

ACT 1727.

An act to provide for the issue and sale or exchange of funding bonds of irrigation districts organized under and in pursuance of an act of the legislature of the state of California entitled "An act to provide for the organization and government of irrigation districts, and to provide for the acquisition of water and other property, and for the distribution of water thereby for irrigation purposes," approved March 7, 1887, to provide for the payment of such bonds, and for proceedings to test the validity of the same.

[Approved April 1, 1897. Stats. 1897, p. 894.]

Amended 1901, 514. Secs. 5-10 repealed 1901, 514.

The people of the state of California, represented in senate and assembly, do enact as follows:

Section 1. Whenever an irrigation district organized under the provisions of an act entitled "An act to provide for the organization and government of irrigation districts, and to provide for the acquisition of water and other property, and for the distribution of water thereby for irrigation purposes," approved March seventh, eighteen hundred and eighty-seven, or said act and the acts supplementary thereto, or amendatory thereof, has outstanding bonds, coupons, or other evidences of indebtedness, the payment thereof may be provided for by the issuance of new bonds, in the manner hereinafter prescribed.

Sec. 2. A majority in number of the holders of title, or evidences of title to real property in any irrigation district, subject to assessment, such holders of title, or evidences of title, representing a majority in value of the real property of such district according to the equalized assessment roll or rolls of such district for the year last preceding, may propose the funding of such bonds, coupons, or other evidences of indebtedness. Said equalized assessment roll or rolls shall be sufficient evidence of title for the purposes of this act.

Sec. 3. In order to propose the funding of such bonds, coupons, or other evidences of indebtedness, a petition shall be presented to the board of directors of such irrigation district, signed by a majority in number of holders of title, or evidences of title to real property in such district, and representing a majority in value of the real property of said district, subject to assessment for

district purposes, which petition shall set forth the amount of bonds, coupons, or other evidences of indebtedness proposed to be funded, together with a general description of same, also the total amount of the bonds sought to be issued (provided, that said amount shall in no case be greater than the total amount of bonds, coupons, and other evidences of indebtedness then outstanding and sought to have funded), together with a full and complete statement of the purposes for which such bonds are to be used. On presentation of such petition, the same shall be entered in full on the minutes of the board.

Sec. 4. Immediately after the recording of said petition the board of directors shall call a special election, at which shall be submitted to the electors of such district the question whether or not the bonds of such district, in the amount set forth in said petition, shall be issued. Notice of such election must be given by the secretary of said district by posting notices in three public places in each election precinct in said district for at least twenty days, and also by publication of such notice in some newspaper published in the county, where the office of the board of directors of such district is required to be kept, once a week for at least three successive weeks before such election. Such notice must specify the time of holding the election, the amount of bonds proposed to be issued, the amount of bonds, coupons, or other evidences of indebtedness proposed to be refunded, together with a general description of the same. Said election shall be held and the result thereof determined and declared in all respects as nearly as practicable in conformity with the provisions governing the election of officers; as provided by the law governing irrigation districts at the time of the holding of the election herein provided for; provided, that no informalities in conducting such an election shall invalidate the same, if the election shall have been otherwise fairly conducted. At such an election the ballot shall contain the words "Bonds—Yes," or "Bonds—No," or words equivalent thereto. If two thirds of the votes cast at such election are "Bonds—Yes," the board of directors shall direct and cause bonds in said amount to be issued. If more than one third of the votes cast at such election are "Bonds—No," the result of such election shall be so declared. The result in either case shall be duly

entered of record. [Amendment approved March 16, 1901. Stats. 1901, p. 514. In effect immediately.]

Secs. 5, 6, 7, 8, 9, 10. Repealed. [Act approved March 16, 1901. Stats. 1901, p. 515. In effect immediately.]

Sec. 11. If said bonds are directed to be issued as herein provided for, the board of directors shall cause the same to be issued. Said bonds shall be made payable in gold coin of the United States, and in twenty series, as follows, to wit: On the first day of January after the expiration of twenty years, five per cent of the whole amount of said bonds, and on the first day of January of each year thereafter, an equal amount of such bonds until all shall have been finally paid; that is, five per cent of the whole issue of bonds—not five per cent of each bond—each being wholly payable when due. Said bonds shall bear interest at the rate of five per cent per annum, payable semi-annually on the first day of January and July of each year. They shall be negotiable in form, and shall be of denominations of not less than one hundred dollars, nor more than five hundred dollars. Said bonds shall in all respects conform to the form of bonds prescribed by the laws governing irrigation districts at the time of their issue, except as herein otherwise provided.

Sec. 12. It shall be unlawful to sell or exchange any of the bonds issued as herein provided, for less than their par value.

Sec. 13. When bonds issued under this act shall be duly executed, they shall be deposited with the treasurer of the district, and his receipt shall be taken therefor, and he shall be charged with the same on his official bond, and shall have no power to deliver the same in exchange for any bonds or indebtedness proposed to be funded until the bonds or evidence of indebtedness proposed to be funded shall have been surrendered to him, and he shall have been ordered by the board of directors of the district, by an order duly entered on their records, to make such delivery. When such bonds have been exchanged for other bonds, coupons, or other evidences of indebtedness, the treasurer shall at once cancel such other bonds, coupons, or other evidences of indebtedness by writing across the face thereof "Canceled," and the date of cancellation, and report the same with his monthly report to the board of directors of the district, designating the

bond, coupon, or other evidence of indebtedness, so that it can be identified, the date of cancellation, and the person from whom it was received, together with the amount paid therefor, or the terms of exchange, in case there is an exchange.

Sec. 14. When said bonds are issued for the purpose of sale to the highest bidder, the board may sell said bonds from time to time, in such quantities as may be necessary and most advantageous, to raise money to pay bonds, coupons, or other evidences of indebtedness of the district which were outstanding at the time of the filing of said petition, and generally described therein. Before making any sale, the board shall at a meeting, by resolution, declare its intention to sell a specified amount of bonds, which resolution shall be entered in the minutes, and notice of the sale shall be given by publication thereof for at least three weeks in a newspaper published in the county in which the office of the board of directors is kept. The notice shall state that sealed proposals will be received by the board at its office for the purchase of bonds till the day and hour named in the resolution. At the time appointed the board shall open the proposals and award the purchase of bonds to the highest responsible bidder, or may reject all bids; but said bonds shall in no event be sold for less than their par value, including accrued interest. All moneys realized from the sale of bonds issued under the provisions of this act shall be paid into the hands of the district treasurer, and by him kept in a separate fund, known as the funding fund, and shall be applied exclusively to the payment of bonds, coupons, or other evidences of indebtedness of the district outstanding at the time of filing the said petition, and described therein.

Sec. 15. At the time fixed for the levying of assessments for other purposes authorized by the district irrigation law then in force, there shall be levied an assessment sufficient in amount to pay the principal and interest then due and unpaid on any bonds issued by authority of this act, and also the amount to become due on any such bonds during the year following such levy. The assessment so levied shall be computed and entered in the assessment roll in the same manner, and shall be collected at the same time and in the same manner as other assessments

authorized by the district irrigation law then in force, and when collected, shall be paid into the district treasury, for the purposes herein authorized; and all the provisions of said district irrigation law relating to the collection of assessments and the sale and redemption of property therefor shall be applicable to the assessments levied under this act.

Sec. 16. The bonds issued as herein provided for may be exchanged, at not less than their par value, for any of the indebtedness set out and described in the notice of the election authorizing the issuance of said refunding bond. A contract for such exchange may be made by the board of directors upon such terms as said board may deem advisable; provided that they must receive not less than the par value for the bonds so exchanged. [Amendment approved March 16, 1901. Stats. 1901, p. 515. In effect immediately.]

Sec. 17. Whenever there remains in the hands of the treasurer of any district any funding bonds voted to be issued by said district, but not used, and not necessary to be used for the funding purposes set out and described in the petition for the issuance of said bonds, then said board of directors, shall at a regular meeting, within three months after the completion of the funding, cause the same to be destroyed and a record to be made thereof, and the total amount of bonds so destroyed and canceled shall be deducted from the sum authorized to be issued by the electors of said district, and no part thereof shall be thereafter reprinted or reissued.

Sec. 18. Any bonds issued under the provisions of this act shall be a lien upon the real property of the district, and said bonds and the interest thereon shall be paid by revenue derived from an annual assessment upon the real property of the district, and all the real property in said district shall be and remain liable to be assessed for such payments as hereinbefore provided. [Amendment approved March 16, 1901. Stats. 1901, p. 515. In effect immediately.]

Sec. 19. This act shall take effect from and after its passage.

ACT 1728.

An act to provide for the redemption of property which has been heretofore sold to irrigation districts for delinquent assessments.

[Approved March 10, 1891. Stats. 1891, p. 53.]

Section 1. In all cases where property has heretofore been sold for delinquent assessments, under the provisions of the act of March seventh, eighteen hundred and eighty-seven, providing for the organization of irrigation districts, and an irrigation district has become the purchaser, and has not disposed of the same, the person whose estate has been sold, or his heirs, executors, administrators, or other successors in interest, may redeem such property by paying to the treasurer of the district wherein the property is situated the amount of assessments due thereon at the time of the sale, with interest thereon at the rate of two per cent per month; and also all assessments that were a lien upon said property at the time said assessments became delinquent; and also for each year since the sale for which assessments on said property have not been paid, an amount equal to the percentage of assessments for that year, upon the value of said real estate assessed for the year of the sale, with interest from the first day of January of each of said years, respectively, at the same rate; and also all costs and expenses, and fifty per cent penalty, which may have accrued by reason of such delinquency and sale, and the costs and expenses of redemption, as herein specified. The board of directors of any district shall, on the application of any person desiring to redeem under the provisions of this act, make an estimate of the amount to be paid, and shall, by a resolution entered on their minutes, authorize the treasurer of the district, on the receipt of the amount determined by them, to give him triplicate certificates of the amount, specifying the several amounts thereof, one of which certificates shall be filed with the secretary of the district, one with the county recorder of the county in which the land is situated, and one with the treasurer of the district, to whom payment of the money shall be made, on the issuance of said certificates. The county recorder shall be paid by the redemptioner, for filing and recording said certificate, the sum of two dollars, and upon the filing of such receipt with the recorder any deed or certificate of

sale that may have been made to the district shall become null and void; and all right, title, and interest acquired by the district under and by virtue of the assessment sale shall cease and determine. The receipt of the treasurer of the district herein provided for shall be recorded in the recorder's office of the county in which said property is situated, in the book of deeds, and the record thereof shall have the same effect as that of a deed of reconveyance of the interest conveyed by said deed or certificate of sale.

Sec. 2. This act shall take effect immediately.

ACT 1729.

An act to provide for the leasing and disposition of water for generation of power for mechanical purposes, by irrigation districts organized or to be organized under and pursuant to an act entitled "An act to provide for the organization and government of irrigation districts, and to provide for the acquisition of water and other property, and for the distribution of water thereby for irrigation purposes," approved March 7, 1887.

[Approved March 23, 1893. Stats. 1893, p. 295.]

See Statutes of 1897, 254, secs. 100-105, pp. 542, 543, post.

Section 1. Whenever any irrigation district formed, or to be formed, under and pursuant to the provisions of an act entitled "An act to provide for the organization and government of irrigation districts, and to provide for the acquisition of water and other property, and for the distribution of water thereby for irrigation purposes," approved March seventh, eighteen hundred and eighty-seven, in the development of its works, as in said act provided, may have opportunity, without increased expenditure, to utilize the water by it owned or controlled for mechanical purposes not inconsistent with the provisions of said act, the board of directors may lease the same, as in this act hereinafter provided.

Sec. 2. Whenever the board of directors may desire to lease the use of water, as hereinbefore stated, they shall pass a resolution of intention to so lease the same. Immediately thereafter the secretary shall cause notice of such intention to be given by publication in one newspaper published in each county in which lands of the district are situated for at least twenty days (provided, a newspaper is published therein, otherwise in any news-

paper the board of directors may select), and in such newspapers as may be deemed advisable, calling for bids for the leasing of said water for the purposes hereinbefore mentioned. Said notice shall state that the board will receive sealed proposals therefor, that the lease will be let to the highest responsible bidder, stating the time and place of opening said proposals.

Sec. 3. At the time and place appointed the board shall proceed to open the proposals in public. As soon thereafter as may be convenient the board shall let said lease in portions, or as a whole, to the highest responsible bidder, or they may reject any or all bids, and readvertise for proposals for the same.

Sec. 4. The rental accruing upon said lease may vary from year to year, as shall be specified in said lease, and shall be payable semi-annually, on the thirtieth day of December and thirtieth day of June of each year. All moneys collected, as in this act provided, shall be paid into the treasury, and be used in the manner provided in section thirty-four of said act, except that the period of ten years, as mentioned in said section thirty-four, shall not be applicable to the provision of this act; provided, however, that if any coupons on any outstanding bonds of such district are at any time due and payable, and there shall for any reason not be sufficient funds in the interest fund to pay the same, the proceeds so collected, as in this act provided, may be used to pay the same.

Sec. 5. The board shall have power, as in this act provided, to execute a lease for any period not exceeding fifty years. If at any time the rental shall not be paid on the days hereinbefore mentioned, the amount of such rental then due shall be doubled, and if not paid within ninety days thereafter, the said lease shall be forfeited to said district, together with any and all works constructed, owned, used, or controlled by said lessee.

Sec. 6. Upon the letting of any lease, as in this act provided, the board may require the lessee to execute a bond for the payment of the rental, and proper performance of the said lease, or give such other evidence of good faith as in their judgment may be necessary.

Sec. 7. This act shall take effect immediately.

ACT 1730.

An act declaring upon what terms contracts between persons, companies, associations, or corporations furnishing water for irrigation to the consumers of such water shall be valid, and to provide that such contracts shall be deemed based upon sufficient consideration.

[Approved March 16, 1901. Stats. 1901, p. 331.]

The people of the state of California, represented in senate and assembly, do enact as follows:

Section 1. It is and shall be lawful for any person, company, association, or corporation, furnishing for sale, rental, or distribution any appropriated waters for purpose of irrigation, to enter into contracts with individual consumers of such water or with bodies of such consumers, relating to the sale, rental, or distribution of such water, or any thereof, which contracts, subject to the restrictions hereinafter declared, shall be valid to all intents and purposes, any law or rule to the contrary notwithstanding.

Sec. 2. No such contract shall provide for the sale, rental, or distribution of any such water at any rate exceeding the established rates fixed and regulated therefor by the board of supervisors of the proper counties, or fixed and established by such person, company, association, or corporation, as provided by law.

Sec. 3. Nothing in this act contained shall be construed to authorize or make valid any contract not made for a valuable consideration; but an agreement on the part of such person, company, association, or corporation to sell, rent, or distribute any water to a consumer, without payment in advance therefor, or upon any other terms to which such consumer is not otherwise lawfully entitled, shall be deemed and taken to be a valuable and sufficient consideration for such contract.

Sec. 4. Nothing in this act contained shall affect any contract made prior to the time that the board of supervisors fix and establish the rates and regulations for and under which water shall be sold and supplied.

Sec. 5. This act shall take effect and be in force from and after its passage.

ACT 1731.

An act to provide for the dissolution of irrigation districts, the ascertainment and discharge of their indebtedness, and the distribution of their property.

[Approved February 10, 1903. Stats. 1903, p. 3.]

Gen. Laws—24

The people of the state of California, represented in senate and assembly, do enact as follows:

Section 1. Any irrigation district organized under the provisions of an act entitled, "An act to provide for the organization and government of irrigation districts, and to provide for the acquisition of water and other property, and for the distribution of water thereby for irrigation purposes," approved March seven, eighteen hundred and eighty-seven, and all acts supplementary thereto, or amendatory thereof, including an act entitled, "An act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of lands embraced within such districts, and, also, to provide for the distribution of water for irrigation purposes," approved March thirty-one, eighteen hundred and ninety-seven, may be dissolved in the manner hereinafter provided.

Sec. 2. A majority in number of the holders of title, or evidence of title, to real property in any irrigation district, and a majority in value of said property according to the equalized assessment roll of said district for the year last preceding upon which any assessment has been made, may propose the dissolution of said district by a petition signed by such majority, which petition shall set forth the amount of the outstanding bonds, coupons, and other indebtedness, if such there be, together with a general description of the same, and the holders, so far as known, showing the amount of each description of indebtedness and the ownership, so far as known, of the same. Also the estimated cost of the dissolution of said district. Said petition shall also state the assets of said district, including irrigation system, if any, dams, reservoirs, canals, franchises, water rights, a detailed statement of all the lands sold to the district for assessments, and the amount of the assessments on each parcel of land sold, also all assessments unpaid, and the amount upon each lot or tract of land, and all other assets of the district; and in case any proposition has been made by the holders of said indebtedness to settle the same, said proposition, together with any plan proposed to carry the same into execution, shall be included in said petition.

Sec. 3. Upon the filing of said petition with the board of directors of said district said board shall call a special

election, at which shall be submitted to the electors of such district the question whether or not said district shall be dissolved, its indebtedness liquidated, and its assets distributed in accordance with the plan so proposed, or in case no plan has been proposed, then in accordance with a plan which shall be proposed by said board of directors in the notice of the election, but no such election shall be called until the assent of all the known holders of valid indebtedness against the district shall be obtained or provision shall be made in said plan for the payment of such non-assenting holders. Notice of such election must be given by posting notices in three public places in each election precinct in said district for at least twenty days, and also by publication of such notice in some newspaper published in the county where the office of the board of directors is required to be kept, once a week for at least three successive weeks before such election. Such notices must specify the time of holding the election, the fact that it is proposed to dissolve the district, and a brief summary of the plan proposed for liquidating its indebtedness and disposing of its assets. Said election shall be held and the result thereof determined and declared in all respects as nearly as practicable in conformity with the provisions governing the election of officers in irrigation districts. At such election the ballot shall contain the words "Dissolution of the district—Yes," or "Dissolution of the district—No," or words equivalent thereto.

Sec. 4. In case upon such canvass it is found and declared by said board of directors that two thirds of the votes cast at such election shall be cast in favor of "Dissolution of the district—Yes," then the said board of directors shall file a petition in the superior court of the county wherein is located the office of such board to determine the validity of the proceedings had and of the proposed plan for the dissolution of said district. Such action shall be in the nature of a proceeding in rem, and jurisdiction of all parties interested may be had by publication of a notice of the pendency of the proceeding for at least once a week for three weeks in some paper of general circulation published in the county where the action is pending; provided, that if the property of the district is situate in more than one county then the publication shall be made in one paper in each county wherein

the same is situate, such paper or papers to be designated by the court having jurisdiction of the proceeding; jurisdiction shall be complete in thirty days after the completion of such notice in the manner herein provided. Any one interested may at any time before the expiration of said thirty days appear and contest the validity of the proceedings already had and of the plan proposed for the dissolution of said district, or any portion thereof, including the validity of any portion of the indebtedness set out in said petition, and the court may determine the validity of any sales for assessments, and may determine the amount of any assessment or assessments due upon the various parcels and lots of real estate within said district, and may determine the amount of any assessment or assessments theretofore paid upon the various parcels and lots of real estate therein, and may in said proceeding adjust and determine the rights and liabilities of all parties. Such action shall be speedily tried and judgment rendered. Either party shall have the right to appeal at any time within thirty days after the entering of such judgment, and the appeal must be heard and determined within three months after the taking of such appeal.

Sec. 5. Said petition to the superior court shall set forth the facts required to be set forth in the petition to the board of directors and all the proceedings therein, and at the hearing the court shall hear and determine the regularity, legality, and correctness of all proceedings, and in doing so shall disregard any error, irregularity, or omission which does not affect the substantial rights of the parties. The rules of pleading and practice in the Code of Civil Procedure not inconsistent with the provisions of this act are made applicable to the proceeding herein provided. The costs of any contest may be allowed and proportioned between the parties or taxed to the losing party in the discretion of the court, and no contest of any matter or thing herein provided for shall be made other than in the time and manner herein specified.

Sec. 6. If no such proceeding shall have been filed by the board of directors within thirty days after the canvass of said vote, then any district assessment-payer may bring an action in the superior court of the county wherein the office of the board of directors is located. The board of directors shall be made parties defendant and

notice shall be served on the members of the board personally, if they can be found in the state, if not, then service by publication as provided in section four, shall be sufficient. Proceedings shall be had in the same manner and with the same effect as if brought by the board of directors.

Sec. 7. A corporation may be organized under general laws for the purpose of acquiring the assets of said district, including the irrigation system, if any, dams, reservoirs, canals, franchises and water rights, which corporation shall have all the powers, rights and franchises of corporate bodies organized under general laws, and in addition shall have such further powers as may be necessary to possess and carry on said irrigation system and exercise such franchises and water rights.

Sec. 8. The court in its decree shall have power to make the orders necessary to carry out said proposition for the discharge of the indebtedness and distribution of the property of said district, including the right to apportion any indebtedness found due, and to declare said portions liens upon the various parcels and lots of land within the district, and may decree a sale of its assets in such manner as may effectuate said proposition and as the said court may judge best, either in one lot or in such parcels as may be provided, and may provide for conveyance of said irrigation system, including dams, reservoirs, canals, franchises, and water rights, and also of any other assets of the district, including lands sold thereto and the assessments due it.

Sec. 9. The amounts of any assessment or assessments found due upon the various parcels and lots of real estate within said district, and the amounts for which sales have been made, which sales have been determined to be valid by said court, together with legal interest from the date of said sales and from the time when said assessments become delinquent, shall be liens respectively on the lots and parcels affected thereby, and the purchaser or purchasers at said sale may foreclose the same by action in the superior court, and shall in said action join all lots, assessments, and sales which may have been purchased by him and which remain unredeemed. A redemption may be made at any time by payment of the amount due to the clerk of the court for the use of the district if before

sale, and for the use of the purchaser if after sale, and the clerk shall thereupon enter a minute of said payment, which payment shall be in the discharge of said lien. Redemption from the lien created for any portion of the indebtedness can be had in this manner.

Sec. 10. Whenever all the property of such irrigation district shall have been disposed of, and all the indebtedness and obligations thereof, if any there be, shall have been discharged, the balance of the money of said district shall be distributed to the assessment-payers in said district upon the last assessment roll in the proportion in which each has contributed to the total amount of said assessment, and the court shall enter a final decree declaring said district to be dissolved.

Sec. 11. This act shall take effect immediately.

TITLE 234.

JEWISH ORDER OF KESHER SHEL BARSEL.

ACT 1736.

Concerning ancient Jewish order of Keshher shel Barsel.
[Stats. 1867-8, p. 201.]

Repealed, sec. 288, Civ. Code.

This act conferred corporate powers on the above order. See the note to act 632, ante.

TITLE 235.

JUDGES OF THE PLAINS.

ACT 1741.

Concerning judges of the plains and defining their duties.
[Stats. 1851, p. 515.]

Amended 1857, 158; 1863, 497.

Continued in force by codes: Penal Code, sec. 23, and Political Code, sec. 19.

TITLE 236.

JUDGMENTS.

ACT 1746.

An act to provide for the payment of judgments against counties, cities, cities and counties, and towns.

[Approved March 23, 1901. Stats. 1901, p. 794.]

The people of the state of California, represented in senate and assembly, do enact as follows:

Section 1. All final judgments now existing or that may be obtained hereafter against any county, city and county, city, or town of the state of California, shall be paid by the treasurer of such county, city and county, or town, as hereinafter provided.

Sec. 2. It shall be the duty of the county clerk to file with the auditor and to furnish the board of supervisors, town trustees, or other board or body authorized by law to levy taxes, a complete list of all the existing final judgments against such county, city and county, city, or town, of record in his office, at least fifteen days before the day on which any tax levy must by law be made.

Sec. 3. It shall be the duty of the auditor to examine and audit the final judgments so reported by the county clerk, and to certify the amount of such final judgments to the treasurer within five (5) days from the day on which such list of final judgments is filed with him. Thereupon, the board of supervisors, city council, town trustees, or other board of officers, as the case may be, having authority to levy taxes upon the taxable property of such county, city and county, city, or town, must include in the tax levy for the next fiscal year a rate or sum sufficient to pay all final judgments existing against such county, city and county, city, or town. The omission to include the amount of any existing final judgment in the tax levy for any year, shall not of itself invalidate the tax levy as made, but such omission or omissions must be included in the next tax levy; provided, that the board of supervisors or other board or officers having authority to levy taxes may provide for the payment of such final judgments when so audited by including in the tax levy for the next fiscal year an aliquot part or fraction of the amount of such judgments, and thereupon the treasurer shall pay to each judgment creditor a like aliquot part or fraction of the amount of the judgment of the creditor, and thereafter a like aliquot part or fraction of the amount of such judgments shall be levied and paid each successive year until the whole thereof shall be fully paid; but such fractional levy and payment shall in no case be less than one tenth ($\frac{1}{10}$) of the whole amount of such judgments.

Sec. 4. This act shall take effect immediately.

ACT 1747.

An act prescribing how judgments which may be recovered against any city and county of over one hundred thousand population shall be paid.

[Approved March 26, 1895. Stats. 1895, p. 163.]

The people of the state of California, represented in senate and assembly, do enact as follows:

Section 1. All existing judgments against any city and county of over one hundred thousand population shall be paid by the treasurer of such city and county, out of the or any general fund thereof, after the same shall have been audited by the auditor, auditing officer, board, or other auditing officer or officers, and it is hereby made the duty of the board of supervisors and mayor of such city and county to include in the tax levy for any fiscal year a sum sufficient to pay existing judgments.

Sec. 2. This act shall take effect and be in force immediately after its passage.

Apparently restricted to existing judgments.

TITLE 237.**JURORS.****ACT 1752.**

For the payment of the fees due to trial jurors who have served as such in the superior court of any county or city and county of this state, under the act of 1895. [Stats. 1901, p. 684.]

TITLE 238.**JUSTICES OF THE PEACE.****ACT 1757.**

Fixing the jurisdiction and providing the compensation of justices of the peace in cities and towns. [Stats. 1883, p. 63.]

Superseded by Code of Civil Procedure, sec. 103, as amended 1901, 100.

This act appears in full in Code of Civil Procedure, Appendix, p. 777.

ACT 1758.

An act to provide for the amount and the manner of payment of salaries of justices of the peace in counties of the tenth class for services rendered by them

in criminal cases, and providing a method of ascertaining the population of the townships for the purpose of this act and to provide a cashier in the office of the tax collector, and a file clerk in the office of the county clerk, and repealing all laws in conflict therewith.

[Approved March 19, 1903. Stats. 1903, p. 217.]

The people of the state of California, represented in senate and assembly, do enact as follows:

Section 1. In counties of the tenth class justices of the peace shall receive as compensation, for the services required of them by law, the following monthly salaries to be paid each month as salaries of other county officers are paid, which shall be in full for all services rendered by them in criminal cases:

In townships having a population of six thousand and over, ninety dollars per month.

In townships having a population of two thousand and less than six thousand, seventy-five dollars per month.

In townships having a population of one thousand five hundred and less than two thousand, fifty-five dollars per month.

In townships having a population of eight hundred and less than one thousand five hundred, thirty-five dollars per month.

In townships having a population of five hundred and less than eight hundred, twenty dollars per month.

In townships having a population less than five hundred, fifteen dollars per month.

In addition to the above salaries each justice of the peace shall collect, for his own use, in civil cases, such fees as are now or may hereafter be allowed by law.

Sec. 2. The population of townships shall, for the purpose of this act, be determined by multiplying the number of voters registered in such township at the last preceding election, by five.

Sec. 3. All laws and parts of laws in conflict with the provisions of this act are hereby repealed.

Sec. 4. In the office of the county tax collector of counties of the tenth class there shall be a cashier to be appointed by and hold office at the pleasure of the county tax collector and the compensation of such cashier shall be nine hundred dollars per annum.

Sec. 5. In the office of the county clerk of counties of the tenth class a filing clerk shall be appointed by and hold office at the pleasure of the county clerk and the compensation of such filing clerk shall be nine hundred dollars per annum.

Sec. 6. This act shall take effect and be in force from and after its passage.

TITLE 239.

JUTE GOODS.

ACT 1763.

Appropriation for the establishment of a permanent fund for the purchase of jute to be manufactured at the state's prison. [Stats. 1885, p. 53.]

ACT 1764.

Fixing the price and conditions of sale at which jute goods shall be sold by the state. [Stats. 1898, p. 54.]

TITLE 240.

JUVENILE COURT.

ACT 1769.

Defining and providing for the control, protection, and treatment of dependent and delinquent children; prescribing the powers and duties of courts with respect thereto; providing for the appointment of probation officers, and prescribing their duties and powers; providing for the separation of children from adults when confined in jails or other institutions; providing for the appointment of boards to investigate the qualifications of organizations receiving children under this act, and prescribing the duties of such boards; and providing when proceedings under this act shall be admissible in evidence. [Approved February 26, 1903. Stats. 1903, p. 44.]

This act appears in full in the Penal Code, Appendix, p. 623.

TITLE 241.

KAWEAH RIVER.

ACT 1774.

Board of commissioners for Kaweah River, Tulare County. [Stats. 1863-4, p. 167.]

Amended 1865-6, 314.

TITLE 242.

KEEPER OF ARCHIVES.

ACT 1779.

To provide for the appointment by the secretary of state of a keeper of archives, and define his duties, and fixing his salary. [Stats. 1889, p. 451.]

TITLE 243.

KERN COUNTY.

ACT 1784.

Assessor, act fixing salary and bond of. [Stats. 1875-6, p. 172.]

Superseded by County Government Act, 1897, 521, 535, sec. 170, 182.

ACT 1785.

Issuance of bonds by, to pay the indebtedness of said county. [Stats. 1875-6, p. 645.]

ACT 1786.

County auditor and county recorder, separation of offices of, and regulation of official salaries in. [Stats. 1875-6, p. 151.]

Amended 1875-6, 363; 1877-8, 104. Repealed by County Government Act, 1897, 535, sec. 182.

ACT 1787.

Transfer of funds of. [Stats. 1873-4, p. 472.]

Amended 1875-6, 249. Superseded by subd. 18, sec. 25, County Government Act, 1897, 463.

ACT 1788.

Regulating traveling fees of sheriff of. [Stats. 1871-2, p. 141.]

Amended 1875-6, 45. Repealed 1873, 559.

ACT 1789.

Traveling fees of sheriffs of. [Stats. 1877-8, p. 559.]

Repealed by fee bill of 1895, 269.

ACT 1790.

To provide one additional judge of the superior court of the county of Kern. [Approved February 17, 1903. Stats. 1903, p. 30.]

ACT 1791.

Tax collectors, bonds of. [Stats. 1875-6, p. 16.]

Repealed by County Government Act, 1897, 475, sec. 66.

ACT 1792.

Treasurer of, salary of. [Stats. 1873-4, 236.]

Amended 1877-8, 255. Repealed by County Government Act, 1897, 452.

ACT 1793.

Water ditches and water privileges in. [Stats. 1875-6, 547.]

TITLE 244.**KEYES CREEK.****ACT 1795.**

Arroyo del San Antonio (Keyes Creek), declared navigable.
[Stats. 1860, p. 126; 1873-4, p. 564.]

See Political Code, sec. 2349.

TITLE 245.**KINGS COUNTY.****ACT 1803.**

To create the county of Kings, to define the boundaries thereof, to fix the county seat thereof, and to provide for its organization and election of officers, and to classify said county. [Approved March 22, 1893. Stats. 1893, p. 176.]

TITLE 246.**KLAMATH COUNTY.****ACT 1808.**

Annexed to Humboldt and Siskiyou. [Stats. 1873-4, p. 755.]

Amended and supplemented 1875-6, 603.

TITLE 247.**KLAMATH RIVER.****ACT 1813.**

To declare the Klamath River navigable. [Stats. 1880, p. 136.]

Repealed 1891, 10.

TITLE 248.**KNIGHT'S LANDING.****ACT 1818.**

To prevent hogs and goats running at large in. [Stats. 1871-2, p. 488.]

Probably repealed by sec. 9, statute of 1897, p. 198.

TITLE 249.

LABORERS.

Hours of labor: See title Hours of Labor, ante.

ACT 1822.

To protect the wages of labor. [Stats. 1867-8, 213.]

Amended 1871-2, 205.

This act made laborers preferred creditors. It was superseded by the Code of Civil Procedure, secs. 1204-1207.

TITLE 250.

LABOR STATISTICS.

ACT 1828.

To establish and support a bureau of labor statistics.
[Stats. 1883, p. 27.]

Amended 1889, 6; 1901, 12.

TITLE 251.

LAKE BIGLER.

ACT 1832.

To legalize the name of Lake Bigler. [Stats. 1869-70, p. 64.]

TITLE 252.

LAKE COUNTY.

ACT 1838.

Authorizing issuance of bonds by, to pay a judgment
against the county. [Stats. 1875-6, p. 209.]

Amended 1875-6, 405.

ACT 1839.

Concerning salary of district attorney. [Stats. 1871-2, p.
441.]

Repealed by County Government Act, 1897, 562, sec. 203.

ACT 1840.

Transfer and loan of certain funds in. [Stats. 1873-4, p.
349.]

ACT 1841.

Fees and salaries of officers of. [Stats. 1875-6, p. 599.]

Amended 1877-8, 256. Repealed by County Government Acts,
1897, 562, sec. 203.

ACT 1842.

Roads and highways in. [Stats. 1875-6, p. 385.]

Repealed 1888, 5, chap. X, sec. 2.

LAKE EARL--LAKE TAHOE.

ACT 1843.

Restricting sheep from being herded or running at large in certain parts of. [Stats. 1873-4, p. 434.]

Amended 1875-6, 312. Probably repealed 1897, 198.

ACT 1844.

To prevent sheep and goats from being herded or from running at large in parts of. [Stats. 1877-8, p. 685.]

Probably repealed 1897, 198.

ACT 1845.

Authorizing supervisors to levy special tax for extermination of squirrels in. [Stats. 1877-8, p. 441.]

Superseded by subd. 26, sec. 25, County Government Act, 1897, 465.

TITLE 253.

ACT 1850.

LAKE EARL.

Lake Earl, declaring navigable. [Stats. 1873-4, p. 59.]

Repealed 1901, 8.

TITLE 254.

ACT 1855.

LAKEPORT.

To prevent hogs from running at large in. [Stats. 1877-8, p. 435.]

Probably repealed by 1897, 198.

TITLE 255.

ACT 1860.

LAKE TAHOE.

To create the office of Lake Tahoe wagon road commissioner. [Stats. 1897, p. 388.]

Amended 1899, 236.

ACT 1861.

To authorize the state to secure the title to right of way of a wagon road situate between Smith's Flat, El Dorado County, and Lake Tahoe. [Stats. 1895, p. 119.]

Superseded 1897, 389.

TITLE 256.

LANDLORD AND TENANT.

ACT 1868.

Relating to the rights of landlords and tenants. [Stats. 1861, 514.]

Superseded by Civil Code and Code of Civil Procedure.
Cal.Rep.Cit. 44, 287; 51, 188.

TITLE 257.

LARCENY.

ACT 1871.

Act to more fully define the crime of larceny. [Stats. 1871-2, p. 282.]

See sec. 495, Pen. Code.

This act appears in the Appendix to the Penal Code, p. 631.

ACT 1872.

Concerning crimes and punishments, supplementing act of April 16, 1850. [Stats. 1871-2, p. 435.]

Remains in force. (People v. Salvador, 71 Cal. 16.)

This act made the stealing of amalgam, gold dust, or quick-silver grand larceny. It appears in full in the Appendix to the Penal Code, p. 631.

TITLE 258.

LASSEN COUNTY.

ACT 1877.

Fixing salaries of district attorney of. [Stats. 1871-2, p. 189.]

Repealed by County Government Act, 1897, 567, sec. 209.

ACT 1878.

To regulate fees of justices in. [Stats. 1877-8, 683.]

Repealed by the fee bill of 1895, 267.

ACT 1879.

County treasurer, bonds of. [Stats. 1875-6, p. 154.]

Repealed by the County Government Acts, 1897, 475, sec. 68.

ACT 1880.

Public roads. [Stats. 1875-6, p. 539.]

Supplemented 1875-6, 858. Amended 1877-8, 641. Repealed 1883, 5, chap. X, sec. 2.

TITLE 259.

LAW LIBRARIES.

ACT 1885.

To establish law libraries. [Stats. 1891, p. 430.]

Amended 1895, 46.

As to supreme court law library, see Political Code, sec. 2313;
San Francisco law library, see Stats. 1869-70, 235, amended 1880, 40.

TITLE 260.

LEASES.

ACT 1890.

An act concerning confirming and ratifying leases and other contracts made by any officer or boards of officers of this state.

[Approved March 23, 1901. Stats. 1901, 601.]

The people of the state of California, represented in senate and assembly, do enact as follows:

Section 1. All leases for terminal facilities made or executed by any state officer or board of state officers to any person, persons or corporation within two years prior to the passage of this act and which shall be on file in the office of the secretary of state on or before February fifteenth, nineteen hundred and one, are hereby recognized, approved and ratified, and the terms, covenants and conditions thereof shall bind the parties thereto, their successors and assigns and the state of California.

Sec. 2. The lease of the lands known as China basin in the city and county of San Francisco to the San Francisco and San Joaquin Valley Railway Company for terminal facilities, made on November twenty-first, nineteen hundred, by and between said company and the board of state harbor commissioners, is hereby approved and ratified, and the covenants, conditions and terms thereof shall bind the parties thereto, their successors and assigns, and the state of California.

Sec. 3. All acts and part of acts in conflict herewith are hereby repealed.

Sec. 4. This act shall take effect immediately.

TITLE 261.

LEGAL TENDER.

ACT 1895.

An act in relation to the currency of the United States.

[Approved March 12, 1880; 1880, 8 (Ban. ed. 28).]

Cal.Rep.Cit. 104, 689.

Section 1. All legal-tender notes heretofore issued, or which may hereafter be issued, by the government of the United States of America, as legal-tender notes, shall be received at par in payment for all taxes due or to become due to this state, or to any county or municipal corporation thereof, and such notes shall be a legal tender for all debts, dues, and demands between citizens of this state.

Sec. 2. All acts, and the provisions of any act or parts of acts, conflicting with this act are hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its passage.

TITLE 262.

LEGISLATION.

ACT 1900.

For the creation of a commission for the promotion of uniformity of legislation in the United States, and to appropriate money for its expenses. [Approved March 9, 1897. Stats. 1897, 74.]

Repealed 1901, 49.

TITLE 263.

LEGISLATIVE DISTRICTS.

ACT 1905.

Senatorial and assembly districts, defining. [Stats. 1878-1, p. 366.]

Amended 1880, 4. Repealed 1883, 58, 85, chaps. XXXIV, XLVII.

Cal.Rep.Cit. 65, 578; 96, 292.

ACT 1906.

To divide the state into senatorial districts, and to provide for the election of senators therein. [Stats. 1883, p. 58.]

Repealed 1891, 71, chap. LXXXI.

Cal.Rep.Cit. 96, 296; 112, 329.

ACT 1907.

To divide the state into assembly districts, and to provide for the election of assemblymen. [Stats. 1883, p. 85.]

Repealed 1891, 71, chap. LXXXI.

ACT 1908.

To divide the state into legislative districts, and to provide for the election of assemblymen and senators in each district. [Stats. 1891, p. 71.]

Superseded 1901, 535, chap. CXCIV.

ACT 1909.

To divide the state into legislative districts, and to provide for the election of senators and assemblymen therein. [Stats. 1901, p. 535.]

TITLE 264.**LEVEE DISTRICTS.****ACT 1914.**

To provide for the organization and government of levee districts created for the protection of lands from overflow of innavigable running streams of water, and to confine innavigable running streams to a fixed channel. [Approved March 10, 1891, p. 30. Rep. Stats. 1893, p. 111.]

ACT 1915.

Yuba, Sutter, and Placer counties, to organize a levee district in, and to provide for the construction, maintenance and repair of levees therein. [Stats. 1877-8, p. 732.]

ACT 1916.

To organize levee district No. 1, Sacramento County, and to provide for its government. [Stats. 1877-8, p. 853.]

Amended 1880, 65.

ACT 1917.

Amendatory of and supplementary to an act entitled "An act to define the boundary and provide for the government of levee district number two, of Sutter County," passed March 23, 1876, in relation to the election of officers for said district, funding the floating debt, and refunding the funded debt thereof. [Stats. 1893, p. 199.]

Amended 1895, 236.

ACT 1918.

To define the boundary and provide for the government of levee district number six of Sutter County, California. [Stats. 1891, p. 237.]

ACT 1919.

To provide for funding the indebtedness of levee district number six, of Sutter County, and to provide for the payment of such funded debt. [Stats. 1891, p. 235.]

ACT 1920.

Providing for the payment of all moneys in the state treasury to the credit of swamp land district funds to the treasuries of the counties wherein the said swamp-land districts are situated, and to provide for the control of the same by the auditor and treasurer of said counties, and prescribing the duties of the controller and treasurer in relation thereto. [Approved March 31, 1891. Stats. 1891, p. 243.]

ACT 1921.

An act to provide for the funding and refunding of the indebtedness of levee and protection districts.

[Approved April 1, 1897. Stats. 1897, p. 424.]

The people of the state of California, represented in senate and assembly, do enact as follows:

Section 1. The board of directors or trustees of any levee or protection district having an outstanding indebtedness of not less than twenty thousand dollars, evidenced by bonds or warrants of such district, by a vote of two thirds of all the members thereof, are empowered, if they deem it for the best interest of such district to fund and refund the same, or any part thereof, and issue bonds of such district therefor, in sums of not less than one hundred dollars nor more than one thousand dollars each, having not more than twenty years to run, and bearing a rate of interest not exceeding seven per cent per annum, payable semi-annually, which bonds shall be substantially in the following form:

No. ——. (Name of district), in the county of —, state of California, for value received, promises to pay —, or order, at the office of the treasurer of said district, in —, California, on or before the first day of —, 19—, the sum of — dollars, in gold coin of the United States,

with interest at the rate of — per cent per annum, payable at the office of said treasurer semi-annually, on the first day of — and — in each year, on presentation and surrender of the interest coupons hereto attached. This bond is issued by the board of — of said district in conformity with a resolution of said board, dated the — day of —, eighteen hundred and —, and under authority conferred upon said board by the provisions of an act of the legislature of California, entitled "An act to provide for the funding and refunding of the indebtedness of levee and protection districts," approved (insert date of approval of the act).

In testimony whereof, the said district, by its board of —, has caused this bond to be signed by the chairman of said board, and attested by the auditor of — county, with his seal of office attached, this — day of — 18—.

Chairman of said Board.

Attest: _____, Auditor of — county.

And the interest coupons shall be in the following form:

The treasurer of (name of district) will pay to the holder hereof, on the — day of —, 1—, at his office in —, — dollars, gold coin, for interest on bond of said district numbered —.

Sec. 2. Bonds issued under this act shall be numbered consecutively, signed by the chairman of the board of directors, or trustees, as the case may be, and delivered to the auditor of the county in which the levee or protection district is situated, who shall countersign the same and affix thereto his official seal, and shall by him be delivered to the treasurer of the district, who shall deliver to such auditor his receipt therefor, and said treasurer shall stand charged on his official bond with all bonds delivered to him and the proceeds thereof, and he shall sell the same or exchange them under the direction of the board of directors or trustees of such levee or protection district, on the best available terms, for any legal indebtedness of such district, but in neither case for a less sum than the face value of the bonds and all interest accrued thereon at the date of such sale or exchange; and if any portion of such bonds are sold for money, the proceeds thereof shall be applied exclusively to the payment of liabilities existing against the district at the date last above

named. When they are exchanged for bonds or warrants or other legal evidences of district indebtedness, the treasurer shall at once cancel such evidences of indebtedness by indorsing thereon the amount for which they were received, the word "canceled" and the date of cancellation. He shall keep a record of all bonds sold or exchanged by him, by number, date of sale, amount, date of maturity, the name and postoffice address of purchasers, and, if exchanged, what evidence of indebtedness was received therefor, which record shall be open at all times for public inspection. No such bonds shall be sold or exchanged for any indebtedness of the district except by the approval of the board of directors or trustees thereof.

Sec. 3. The board of directors or trustees shall cause to be assessed and levied each year upon the assessable property of the district, in addition to the levy authorized for other purposes, a sufficient sum to pay the interest on outstanding bonds, issued in conformity with the provisions of this act, accruing before the next annual levy, and such proportion of the principal, that at the end of five years the sum raised from such levies shall equal at least twenty per cent of the amount of bonds issued, at the end of nine years at least forty per cent of the amount, and at and before the date of maturity of the bonds shall be equal to the whole amount of the principal, and the money arising from such levies shall be known as the bond fund, and shall be used for the payment of bonds and interest coupons, and for no other purpose whatever; and the treasurer shall open and keep in his books a separate and special account thereof, which at all times shall show the exact condition of said bond fund.

Sec. 4. Whenever there shall be in the bond fund of such district a surplus of five hundred dollars or more, over and above the interest maturing before the next levy, the treasurer shall give notice for two weeks in one or more newspapers of general circulation, printed and published in the county in which such district is situated, stating the amount of such surplus, and that on the day and hour named in such notice, sealed proposals will be received at his office for the surrender of bonds of the district, and shall at the time and place named open the proposals and accept the lowest bid; provided, that no bid shall be accepted for an amount exceeding the par

value of such bonds with accrued interest; if bids are not offered at par, or less, sufficient to exhaust the amount on hand applicable to redemption, the treasurer shall publish for the same time and in the same manner a notice that he will redeem a bond or bonds of said district, giving the number or numbers thereof, and that if not presented for redemption within thirty days after the date of the first publication of such notice, the interest thereon will cease, and the amount due thereon will be set aside for the payment of such bond or bonds whenever presented. If any such bond be not so presented, interest thereon shall cease, and the amount due thereon shall be set aside as specified in said notice. All redemption of bonds other than those voluntarily surrendered shall be made in the exact order of their issuance, beginning with the lowest or first number.

Sec. 5. This act shall take effect immediately.

TITLE 265.

LEXINGTON.

ACT 1926.

Lexington, Los Angeles County, name changed to El Monte. [Stats. 1875-6, p. 854.]

TITLE 266.

LIBEL.

ACT 1881.

Concerning actions for libel and slander. [Stats. 1871-2, p. 533.]

Amended 1880, 81.

Cal.Rep.Cit. 69, 530; 78, 571; 78, 572; 93, 422.

This act appears in full in Code of Civil Procedure, Appendix, p. 778. It required the plaintiff to give a bond for costs. It was not repealed by the Code of Civil Procedure. (Smith v. McDermott, 93 Cal. 421.)

TITLE 267.

LICENSES.

ACT 1936.

To provide for miners' licenses from foreigners. [Stats. 1853, p. 62.]

Amended 1854, 55; 1855, 216; 1856, 141; 1857, 60, 182, 360; 1858, 302. Supplemented 1866, 380.

"Doubtless unconstitutional; but see People v. Naglee, 1 Cal. 232; Lin Sing v. Washburn, 20 Cal. 544."—Code Commissioners' note.

ACT 1937.

To prohibit the issue of licenses to aliens not eligible to become electors. [Stats. 1880, p. 39.]

"Unconstitutional. (People v. Quong On Long, 6 Pac. C. L. J. 192.) See Political Code, sec. 3666, as amended 1901, 635,"—Code Commissioners' note.

ACT 1938.

Enforcing the collection of license taxes. [Stats. 1871-2, p. 539.]

This act imposed upon the district attorney the duty of instituting proceedings against persons neglecting to pay ferry or bridge license taxes.

ACT 1939.

Authorizing the payment of salaries by boards of supervisors to persons who have been employed to collect county licenses, and legalizing all payments heretofore made to such persons. [Approved March 27, 1895. Stats. 1895, 267.]

See this act, ante, p. 406.

ACT 1940.

An act restricting the powers of boards of supervisors in the matter of imposing licenses upon the business of raising, herding, grazing, and pasturing sheep.

[Approved February 26, 1903. Stats. 1903, 41.]

The people of the state of California, represented in senate and assembly, do enact as follows:

Section 1. No license or licenses greater than five cents per head shall be imposed by the board of supervisors of any county on the business of raising, herding or pasturing sheep, and any and all licenses imposed by the board of supervisors of any county on the business of raising, herding or pasturing sheep, in excess of five cents per head, shall be and are hereby declared invalid; provided, the provisions of this act shall not apply to any license tax the validity of which is involved in any suit now pending, or to any such license tax due when this act takes effect.

Sec. 2. This act shall take effect immediately.

ACT 1941.

An act imposing a license tax upon itinerant vendors of drugs, nostrums, ointments, or appliances sold for the cure of disease, injuries, or deformities.

[Approved March 20, 1903. Stats. 1903, 284.]

The people of the state of California, represented in senate and assembly, do enact as follows:

Section 1. No person, as principal or agent, shall conduct as an itinerant vendor the business of selling drugs, nostrums, ointments, or any appliances for the treatment of disease, deformities, or injuries, within this state, without previously obtaining a license therefor as herein provided.

Sec. 2. An annual license fee of two hundred dollars is hereby levied upon all such itinerant vendors doing business in this state. Said tax shall be paid to the state board of pharmacy, for the use and benefit of the state of California, and shall constitute a special fund for the payment of the expense of said board of pharmacy, and for the enforcement of this act, and of the provisions of the act or acts creating such board of pharmacy. Upon the receipt of said sum from any persons desiring to conduct such business within this state, the secretary of said board of pharmacy shall issue a license to such person to carry on such business within this state until the first day of July, next ensuing; provided, that nothing in this act shall be construed to prevent the collection of any tax that may be imposed by any county or municipal authorities; and provided, further, that nothing herein contained shall prevent manufacturing pharmaceutical firms from placing their products on the market through their agents and managers subject to the provisions of section three of this act.

Sec. 3. Itinerant vendors under the meaning of this act shall include all persons who carry on the business above described by passing from house to house, or by haranguing the people on the public streets or in public places, or use the various customary devices for attracting crowds and therewith recommending their wares, and offering them for sale.

Sec. 4. Said board of pharmacy shall on the first day of July of each year make a verified and itemized statement in writing to the controller of this state, of all receipts and disbursements of money coming into their hands by reason of this act.

Sec. 5. Any person violating any of the provisions of this act, who shall without such license, sell or offer for sale any of the above described drugs, nostrums, oint-

ments, or appliances, shall be deemed guilty of a misdemeanor, and for such breach of this act upon conviction therefor, shall be punished by a fine of not less than one hundred dollars nor more than two hundred and fifty dollars, or by imprisonment in the county jail for not less than fifty days or more than one hundred and twenty days, or both such fine and imprisonment. All fines recovered under this act shall be paid by the magistrate receiving the same, to the state board of pharmacy, and by said board placed in the special fund created by section two of this act.

Sec. 6. In all actions or prosecutions under this act it need not be alleged in the complaint nor proved by the prosecution that the defendant has not a license as required in this act, but the fact that he has such license may be plead as a matter of defense.

Sec. 7. All acts or parts of acts conflicting with this act [are] hereby repealed, in and so far as they conflict.

Sec. 8. This act shall take effect and be in force sixty days after its passage.

ACT 1942.

An act to authorize counties, cities and counties, and incorporated towns, and chartered or incorporated cities, to license bicycles, tricycles, and similar vehicles, and collect a fee therefor, for the purpose of devoting such fee to the construction of paths along country roads for the use of pedestrians, and the wheeling thereon of such vehicles.

[Became a law under constitutional provision without governor's approval, March 16, 1901. Stats. 1901, p. 324.]

The people of the state of California, represented in senate and assembly, do enact as follows:

Section 1. Counties, cities and counties, chartered or incorporated cities and towns in the state of California, are hereby, through the governing bodies thereof, authorized and permitted to license the use of bicycles, tricycles, automobile carriages and carts, and similar wheeled vehicles propelled by the power of the rider, or by motor under control of the rider, owned, rented, and used within the several jurisdictions above named; provided, that such license shall be granted and issued only on payment

of a fee not to exceed one dollar a year for each of such vehicles; and further provided, that the money so collected shall be appropriated and used only for the purpose of constructing and maintaining paths and walkways for the use of pedestrians, and the wheeling of the above-named vehicles; and provided also, that the sum of the taxes paid to the state, county, town, or municipality, upon any vehicle the use of which is hereby authorized to be licensed, shall be deducted from the amount of the license fee hereby authorized, and credited upon the license; it being the intention that any license fee hereby authorized shall be collected in such less sum as is represented by the subtraction of the personal property tax from the sum of the license fee fixed by such ordinance.

Sec. 2. When an ordinance establishing such license and fixing such license fee is passed, the fee shall be collected and the license issued in the manner and by the officer or officers provided for the issuance and collection of other licenses, and the governing body of such jurisdictions named in section one of this act may devise such label, tag, or certificate as is deemed necessary to be witness of the possession of such license, and the payment of such fee; provided, that no license shall be required for any vehicle so named in this act as is in the possession of a merchant, manufacturer, or dealer, for the purposes of sale or barter, and not for use by the owner or his or her agent, or by persons to whom such vehicles are rented for use, by the hour, the day, the week, or other period of time.

Sec. 3. It shall be lawful for such governing bodies to provide in such ordinance or ordinances for the enforcement of penalties for the violation thereof, or for failure or refusal to take such license, or pay such license fee; provided, that no penalty shall exceed the sum of the said license fee, with the costs of collection and prosecution under the ordinance added thereto; nor shall any judgment of imprisonment exceed a period of twenty-four hours for violation of said ordinance.

Sec. 4. It shall be lawful to provide in any such ordinance authorized by this act, for the application of the money collected to the construction and maintenance of such paths, by said towns or cities, or consolidated cities and counties, without the limits of such town and municipi-

pal jurisdictions, but within the county, by and with the consent of the board of supervisors of such county.

Sec. 5. No municipal or town authority in this act referred to shall have authority by ordinance or otherwise to license any such vehicle for use as is in this act referred to, except the same is owned by a resident of such municipal or town jurisdiction, or is used by a resident of such jurisdiction; nor shall any county, by ordinance or otherwise, lay such license upon the use of any such vehicle named in this act, or require a license fee therefor, except the same is owned or used by a resident of the county without the boundaries of town or municipal jurisdictions in the county; provided, that if any town or municipal authority authorized under this act does not provide for such ordinance of license and fee as is permitted by this act, then, and in that case, the governing body of the county may by ordinance provide for the license herein provided for and permitted, and the collection of the fee authorized by this act, so as to make the same applicable to the residents of such town or municipality. But in no case shall any license or fee be required of travelers in counties other than that of their residence, nor from tourists, or visitors, or temporary residents of any city, town, city and county, or county.

Sec. 6. All costs and charges for licenses herein provided for, for tags, or visible evidences of issuance and possession of license, for receipts for payment of the license fee, and other necessary and inseparable expense related to such licenses, shall be paid from the sum of such collections of fees; provided, that no additional salary or fee shall be paid to any officer of any county, or town, or city, or city and county, for services in issuing or delivering licenses provided for by this act, or for collecting the fees therefor, authorized and provided for in this act.

Sec. 7. This act shall take effect and be in force from and after its passage.

TITLE 268.

LIENS.

ACT 1947.

To secure a lien on livestock kept, fed, or pastured. [Stats. 1869-70, p. 723.]

Not repealed by codes. See Johnson v. Perry, 53 Cal. 351. Cal.Rep.Cit. 44, 304.

ACT 1948.

Creating a lien in favor of owners of stallions, jacks, and bulls, used for propagating purposes. [Stats. 1891, p. 90.]

This act appears in full in Civil Code, Appendix, p. 738.

ACT 1949.

To secure wages of persons employed as laborers on threshing machines. [Stats. 1885, p. 109.]

Cal.Rep.Cit. 75, 201; 104, 11; 116, 298; 125, 171.

This act appears in full in Civil Code, Appendix, p. 743.

ACT 1950.

To secure the payment of claims of materialmen, mechanics, or laborers employed by contractors upon state, municipal or other public work. [Stats. 1897, p. 201.]

Cal.Rep.Cit. 129, 394; 135, 637.

ACT 1951.

Giving a lien to loggers and laborers employed in logging camps upon the logs cut and hauled. [Stats. 1877-8, p. 747.]

Amended 1880, 38; 1887, 53.

Cal.Rep.Cit. 67, 425.

This act appears in full in Civil Code, Appendix, p. 740.

TITLE 269.**LIGHTHOUSES.****ACT 1886.**

An act concerning submarine sites for lighthouses and other aids to navigation on the coast of this state. [Approved March 26, 1874. Stats. 1873-4, 621.]

Sites for beacons, etc.

Section 1. Whenever the United States desire to acquire title to land belonging to the state, and covered by the navigable waters of the United States, within the limits thereof, for the site of lighthouse, beacon, or other aid to navigation, and application is made by a duly authorized agent of the United States, describing the site required for one of the purposes aforesaid, then the governor of the state is authorized and empowered to convey the title to the United States, and to cede to the said United States jurisdiction over the same; provided, no single tract shall

contain more than ten acres, and that the state shall retain concurrent jurisdiction so far that all process, civil or criminal, issuing under the authority of the state, may be executed by the proper officers thereof, upon any person or persons amenable to the same, within the limits of land so ceded, in like manner and to like effect as if this act had never been passed.

Sec. 2. This act shall take effect immediately.

LIQUOR.

See Intoxicating Liquors.

TITLE 270.

LIVERMORE.

ACT 1961.

Incorporating. [Stats. 1875-6, p. 913.]

Superseded by incorporating, in 1900, under Municipal Corporation Act of 1883.

TITLE 271.

LODGING-HOUSES.

ACT 1966.

Relating to lodging-houses and sleeping apartments.
[Stats. 1875-6, p. 759.]

This act appears in full in Civil Code, Appendix, p. 743, and Penal Code, Appendix, p. 632. This act is known as the cubic air law.

TITLE 272.

LOGS.

ACT 1971.

Establishing a scale for the measurement of logs. [Stats. 1877-8, p. 604.]

Amended 1880, 119.

TITLE 273.

LOS ANGELES CITY.

ACT 1976.

Amendatory of charter of. [Stats. 1871-2, p. 128.]

Amended 1871-2, 623. Superseded by charter, 1889, 456.

ACT 1977.

Charter of. [Stats. 1873-4, p. 633.]

Amended 1875-6, 692; 1877-8, 642. Superseded by charter of that city, 1889, 456.

ACT 1878.

Charter of. [Stats. 1875-6, p. 692.]

Amended 1877-8, 642. Superseded by charter of 1889, 455.

ACT 1879.

Creating board of education and authorizing common council to issue bonds for special school building fund. [Stats. 1871-2, p. 153.]

Superseded by charter of Los Angeles, 1889, 456.

ACT 1880.

Authorizing issuance of bonds by, for improvement of irrigation in. [Stats. 1875-6, p. 79.]

ACT 1881.

Issuance of bonds for building a main public sewer. [Stats. 1875-6, p. 398.]

ACT 1882.

Issuance of bonds for improving water-supply of. [Stats. 1877-8, p. 387.]

ACT 1883.

Los Angeles Street, issuance of bonds for widening of. [Stats. 1877-8, p. 419.]

Unconstitutional. (Schumacher v. Toberman, 56 Cal. 510.)

ACT 1884.

Ratifying certain acts of council of. [Stats. 1877-8, p. 74.]

ACT 1885.

Board of public works for, creating. [Stats. 1875-6, p. 856.]
Repealed 1877-8, 48.

ACT 1886.

Public library, establishing in. [Stats. 1873-4, p. 274.]

"Superseded by art. VIII of the charter of Los Angeles, 1889, 483. (People v. Howard, 94 Cal. 73.)"—Code Commissioners' note.

ACT 1887.

Special school law of, amended. [Stats. 1873-4, p. 605.]

Superseded by charter of Los Angeles, 1889, 455.

ACT 1888.

Concerning water-courses in. [Stats. 1869-70, p. 645.]

TITLE 274.

ACT 1993. LOS ANGELES COUNTY.

Protection of agriculture in, and providing for distraining of trespassing animals. [Stats. 1877-8, p. 164.]

Modified, if not repealed, by the estray laws of 1897, 198, and 1901, 608.

ACT 1994.

Artesian wells in, act to regulate use of and to prevent waste of water. [Stats. 1875-6, p. 331.]

Repealed 1877-8, 196.

ACT 1995.

Assessor, compensation of for collecting personal property tax. [Stats. 1875-6, p. 570.]

Repealed by County Government Acts, 1897, 496, sec. 159.

ACT 1996.

Concerning county clerk and surveyor in. [Stats. 1869-70, p. 389.]

This act relating to the compensation and fees of these officers. See note to act 1119, ante.

ACT 1997.

Supervisors to authorize the appointment of a deputy district attorney for. [Stats. 1875-6, p. 15.]

Superseded by County Government Act, 1897, 498.

ACT 1998.

El Monte township, Los Angeles County, protection from overflow of San Gabriel River of lands in. [Stats. 1873-4, p. 768.]

ACT 1999.

Grand jurors, fees of. [Stats. 1871-2, p. 37.]

"Probably repealed by the provisions of the constitution dispensing with county courts; or, at all events, superseded by the fee bill of 1895, 273, providing for jurors' fees. (Miller v. Curry, 118 Cal. 644; Hilton v. Curry, 124 Cal. 84.)"—Code Commissioners' note.

ACT 2000.

Highways in. [Stats. 1875-6, p. 30.]

See 1883, 5, chap. X, sec. 2; also County Government Act, 1897, 452.

ACT 2001.

Highways in. [Stats. 1877-8, p. 6.]

Repealed 1883, 5, chap. X, sec. 2.

ACT 2002.

Relative to highways in. [Stats. 1877-8, p. 716.]

Repealed 1883, 5, chap. X, sec. 2.

This was a general law and repealed all prior laws.

ACT 2003.

Irrigation, promotion of. [Stats. 1873-4, p. 312.]

"Superseded as to the power to fix water rates by sec. 1, art. XIV, of the constitution, and statute of 1831, 54."—Code Commissioners' note.

ACT 2004.

Additional justice of peace and constable for. [Stats. 1875-6, p. 3.]

Superseded by Code of Civil Procedure, sec. 103, as amended 1901, 100.

ACT 2005.

Additional notary public for. [Stats. 1873-4, p. 327.]

Superseded by Political Code, sec. 791.

ACT 2006.

Officers and fees of office in. [Stats. 1873-4, p. 616.]

See secs. 217, 218, 221, County Government Act, 1897, 573, 574.

ACT 2007.

Fees and salaries in. [Stats. 1877-8, p. 574.]

Repealed by County Government Acts, 1897, 496, sec. 159, and by the fee bill of 1895, 267.

ACT 2008.

Concerning compensation of certain officers of. [Stats. 1871-2, p. 158.]

Amended 1878-4, 342, 348. Superseded and in effect repealed by the County Government Act, 1897, 496, sec. 159, as amended 1901, 690.

ACT 2009.

Sheriff, fees of. [Stats. 1875-6, 130.]

Repealed by fee bill, 1895, 267.

ACT 2010.

To provide for the extermination of squirrels in. [Stats. 1877-8, p. 787.]

Repealed 1880, 7.

ACT 2011.

To increase the number of judges of the superior court of.
[Stats. 1887, p. 1.]

ACT 2012.

To increase the number of superior judges in. [Stats.
1889, p. 180.]

ACT 2013.

Authorizing supervisors to build bridge across Santa Ana
River. [Stats. 1873-4, p. 47.]

Better protection of treasuries of: See act 464, ante.

TITLE 275.**LOS NIETOS.****ACT 2018.**

Township of, providing for and regulating irrigation in.
[Stats. 1877-8, p. 374.]

TITLE 276.**LOS NITOS COLLEGIATE INSTITUTE.****ACT 2023.**

Conferring further powers and privileges on trustees of.
[Stats. 1873-4, p. 341.]

TITLE 277.**LOST PROPERTY.****ACT 2028.**

Concerning lost money and property. [Stats. 1850, p. 156.]

Superseded by Political Code, secs. 3136-3157, and Penal Code,
sec. 485.

TITLE 278.**LOST WARRANTS.****ACT 2033.**

An act to provide for the payment of the controller of
state's warrants which have been lost or destroyed pre-
vious to payment by the state treasurer.

[Approved March 31, 1891. Stats. 1891, p. 294.]

Section 1. Whenever any warrant legally drawn by the
controller of state shall have been lost or destroyed before
the same has been paid by the state treasurer, the amount
due thereon may be recovered by the legal owner or cus-
todian thereof, by filing with the controller of state,—

First. An affidavit setting forth the fact of the loss or destruction of such state warrant, giving the number, date, amount, and name of the payee, together with all material facts relative to the loss or destruction of the same.

Second. A bond of indemnity, with two good and sufficient sureties, in double the amount of the face of the particular warrant, which bond shall be referred to the attorney-general and controller of state for approval or rejection.

Sec. 2. It shall be the duty of the attorney-general and of the controller of state to examine and pass upon the sufficiency of the said bond, and to approve or reject the same, within thirty days after it shall have been filed with the controller of state.

Sec. 3. After the filing of the approved bond, the controller of state is hereby authorized and directed to issue and deliver to the legal owner or claimant, on demand, a duplicate warrant for the full amount of the original warrant, and the treasurer of state is hereby authorized and directed to pay the duplicate, in lieu of the original warrant.

Sec. 4. The controller and treasurer shall each make the proper entries on their books, showing such warrants to have been lost or destroyed, and the issuance of duplicate warrants in lieu thereof.

TITLE 279.

LOTTERIES.

ACT 2038.

To prohibit lotteries, raffles, gifts, etc. [Stats. 1855, 99.]

Supplemented 1855, 153. Superseded by Stats. 1861, 229, and by Penal Code, secs. 319-326.

ACT 2039.

To prohibit lotteries, raffles, gifts, enterprises and other schemes of like character. [Stats. 1861, 229.]

Superseded by Penal Code, secs. 319-326.

TITLE 280.

LOWER LAKE.

ACT 2044.

To prevent hogs from running at large in. [Stats. 1877-8, 435.]

Probably repealed by 1897, 198.

TITLE 281.

LUMBER MANUFACTURERS.

ACT 2049.

Lumber manufacturers, protection of. [Stats. 1875-6, p. 32.]

This act prescribed a penalty for driving into logs, etc., any substance sufficiently hard to injure saws. It appears in full in the Penal Code, Appendix, p. 633.

TITLE 282.

MADERA COUNTY.

ACT 2054.

To create the county of Madera, to define the boundaries thereof, to determine the county seat, and to provide for its organization and election of officers, and to classify said county. [Approved March 11, 1893. Stats. 1893, p. 168.]

Unconstitutional in part. (People v. Markham, 104 Cal. 232.)

TITLE 283.

MAD RIVER.

ACT 2059.

To improve Mad River and its north fork and to facilitate the driving of logs therein. [Stats. 1877-8, 788.]

TITLE 284.

MAPS.

ACT 2064.

An act requiring the recording of maps of cities, towns, additions to cities or towns, or subdivisions of lands into small lots or tracts for the purposes of sale, and providing a penalty for the selling or offering for sale any lots or tracts in cities, towns, additions to cities, town, subdivisions, or additions thereto, before such maps are filed and recorded.

[Approved March 9, 1893. Stats. 1893, p. 96.]

Amended 1901, 288.

Section 1. Whenever any city, town, or subdivision of land into lots, or any addition to any city, town, or such subdivision, shall be laid out into lots for the purposes of sale, the proprietor or proprietors thereof shall cause to be made out an accurate map or plat thereof, particularly setting forth and describing,—

First. All the parcels of ground within such city, town, addition, or subdivision reserved for public purposes, by their boundaries, courses, and extent, whether they be intended for avenues, streets, lanes, alleys, courts, commons, or other public uses; and,

Second. All lots intended for sale, either by number or letter, and their precise length and width.

Sec. 2. Such map or plat shall be acknowledged by the proprietor, or if any incorporated company, by the chief officer thereof, before some officer authorized by law to take the acknowledgment of conveyances of real estate.

Sec. 3. The map or plat so made, acknowledged, and certified shall be presented to the governing body having control of the streets, roads, alleys, and highways in the territory shown on the map or plat, and said governing body shall indorse thereon which streets, roads, alleys, and highways, offered by said map or plat, they accept on behalf of the public, and thereupon such streets, roads, alleys, and highways, only as have been thus accepted, shall be and become dedicated to public use. When so indorsed, and not before, said map or plat shall be recorded in the office of the county recorder of the county in which the city, town, addition, or subdivision is situated, in a book kept for that purpose. The map or plat shall be not more than thirty-six inches by thirty-six inches in size, and shall be drawn in all details clearly and legibly, and if not so drawn may be refused by the county recorder. When such map or plat is presented to be recorded the county recorder shall paste the same securely in a book of maps, and it shall then be deemed to have been recorded under the provisions of this act. [Amendment became a law under constitutional provision without governor's approval March 14, 1901. Stats. 1901, p. 288. In effect in sixty days.]

Sec. 4. Every person who sells or offers for sale any lot within any city, town, subdivision, or addition, before the map or plat thereof is made out, acknowledged, filed, as herein provided, is guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than twenty-five dollars and not more than five hundred dollars, or by imprisonment in the county jail not to exceed six months, or both such fine and imprisonment.

TITLE 285.

MARIN COUNTY.

ACT 2069.

Declaring certain creeks in Marin County navigable. [Stats. 1861, p. 469.]

Amended 1869-70, 668.

The act declared Guaymas, San Rafael, Corte Madera, and Sausalito creeks navigable. The amendment of 1869-70 amended the act by omitting Guaymas and Sausalito creeks. The San Rafael and Corte Madera creeks were declared navigable by Political Code, sec. 2349.

ACT 2070.

For the relief of. [Stats. 1861, p. 121.]

This act provided that when the coroner of Marin County was required to inquire into the death of a convict in state prison, the fees should be a state and not a county charge. It also made the same provision where physicians were called in to inquire into the sanity of a convict at the state prison.

ACT 2071.

Concerning lawful fences in. [Stats. 1858, p. 123.]

ACT 2072.

Compensation of certain officers of. [Stats. 1873-4, p. 433.]

Repealed as to county judges by the constitution of 1879, and as to the other officers by County Government Acts, 1897, 554, sec. 195.

ACT 2073.

Election of road overseers in. [Stats. 1877-8, p. 544.]

Repealed by Political Code, sec. 2642.

ACT 2074.

Superintendent of schools, salary of. [Stats. 1873-4, p. 212.]

Repealed by County Government Acts, 1897, 553, sec. 195.

ACT 2075.

Public schools, Dixie district. [Stats. 1873-4, p. 339.]

Apparently repealed by Political Code, sec. 1619, as amended 1893, 251.

ACT 2076.

School moneys, distribution of. [Stats. 1875-6, p. 568.]

Superseded by Political Code, sec. 1858, as amended 1893, 264.

ACT 2077.

Restricting the herding of sheep in. [Stats. 1857, 227.]

Amended 1858, 165; 1859, 119; 1860, 332; 1869-70, 304; 1871-2, 890; 1877-8, 79.

ACT 2078.

To prevent stock from running at large upon roads and highways of. [Stats. 1875-6, p. 482.]

Modified by the estray law of 1897, 198, and 1901, 603.

ACT 2079.

Tax collector, bond of. [Stats. 1877-8, p. 196.]

Repealed by County Government Acts, 1897, 475, sec. 66.

ACT 2080.

Road poll taxes in, collection of. [Stats. 1875-6, p. 180.]

Repealed by Political Code, sec. 2652, as amended 1891, 478.

TITLE 286.**MARIPOSA COUNTY.****ACT 2085.**

Licenses, collection of. [Stats. 1875-6, p. 508.]

Repealed by County Government Acts, 1897, 452.

ACT 2086.

Regulating salaries of certain officers of. [Stats. 1873-4, p. 83.]

Repealed by County Government Act, 1897, 566, sec. 207.

ACT 2087.

Providing for maintenance and construction of roads and highways in. [Stats. 1875-6, p. 650.]

Amended 1877-8, 277. Repealed 1883, 5, chap. X, sec. 2.

ACT 2088.

Treasurers of, bonds of. [Stats. 1875-6, 17.]

Repealed by County Government Acts, 1897, 475, sec. 66.

ACT 2089.

Authorizing the levy of additional tax in. [Stats. 1873-4, p. 364.]

Superseded by subds. 12 and 18, sec. 25, County Government Act, 1897, 460, 463.

TITLE 287.**MARKLEEVILLE.****ACT 2094.**

Incorporating Markleeville. [Stats. 1863-4, p. 441.]

TITLE 288.

MARKS AND BRANDS.

ACT 2009.

Concerning marks and brands. [Stats. 1851, 411.]

Amended 1857, 181; 1861, 873; 1862, 28, 424. Superseded by Political Code, sec. 3167-3185.

ACT 2100.

To prevent fraud and imposition in the matter of stamping and labeling produce and manufactured goods. [Stats. 1887, p. 17.]

This act appears in full in the Penal Code, p. 633. Consult, also, the following:—

ACT 2101.

An act to provide for the marking or branding of boxes or barrels containing citrus fruit for shipment, and fixing a penalty for the violation thereof, and for the appointment of an inspector under its provisions.

[Approved March 23, 1901. Stats. 1901, 663.]

The people of the state of California, represented in senate and assembly, do enact as follows:

Section 1. All citrus fruit contained in boxes or barrels, which shall hereafter be shipped, or offered for shipment in this state by any person, firm, or corporation, shall have stamped, stenciled, or printed in a conspicuous place on the outside of every such box or barrel, in clearly legible letters, a statement truly and correctly designating the county and immediate locality in which such fruit was grown. Such statement shall be placed thereon by the shipper of said fruit.

Sec. 2. Any person, firm, or corporation violating any of the provisions or requirements of section one of this act shall be guilty of a misdemeanor, and upon conviction shall be fined in any sum not less than two hundred dollars nor more than five hundred dollars.

Sec. 3. The governor of the state of California, upon the passing of this act, shall appoint one inspector of citrus fruit shipments, to serve without compensation, whose duty it shall be to examine boxes and barrels used in the shipment of citrus fruits; and upon the discovery by said inspector of any violation of the requirements of this act he shall forthwith give notice thereof to the district

attorney of the county in which the offense was committed, and upon receiving such notice it shall be the duty of such district attorney to prosecute the offender under the provisions of this act.

Sec. 4. This act shall take effect immediately on and after its passage.

ACT 2102.

An act to provide for the marking, branding, or labeling of boxes, barrels, or packages containing fruits, fresh or dried, and fixing a penalty for the violation thereof, and for the appointment of inspectors under its provisions.

[Approved March 20, 1903. Stats. 1903, 338.]

The people of the state of California, represented in senate and assembly, do enact as follows:

Section 1. All fruit, green or dried, contained in boxes, barrels, or packages, which shall hereafter be shipped or offered for shipment in this state by any person, firm, or corporation, shall have stamped, branded, stenciled, or labeled in a conspicuous place on the outside of every such box, barrel, or package, in clearly legible letters at least one-quarter of an inch in height, a statement truly and correctly designating the county and immediate locality in which such fruit was grown.

Sec. 2. Any person, firm, or corporation violating any of the provisions or requirements of section one of this act shall be guilty of a misdemeanor, and upon conviction shall be fined in any sum not less than two hundred dollars, nor more than five hundred dollars.

Sec. 3. The governor of the state of California, after the passage of this act, shall appoint such inspectors as may be necessary to accomplish the purpose of this act, to serve without compensation, who are hereby vested with full authority to enter any car or depot containing fruit for shipment; or any warehouse, packing house, store room, or other place or places where any fruit is kept, packed, or prepared for shipment, to inspect the same, or any part thereof. Such inspectors are also vested with full authority to examine such books of any person, firm, or corporation engaged in packing or shipping fruit as may be necessary to accomplish the purposes of this act.

MARRIAGE, MARRIED WOMEN—MARSHALL MONUMENT. 593

Sec. 4. This act shall take effect immediately on and after its passage.

TITLE 289.

MARRIAGE AND MARRIED WOMEN.

ACT 2107.

Regulating marriages. [Stats. 1850, p. 424.]

Amended 1855, 298; 1862, 450; 1863, 244. Superseded by Civil Code, secs. 55-78.

Cal.Rep.Cit. 87, 75.

ACT 2108.

To authorize married women to transact business in their own names as sole traders. [Stats. 1852, p. 108.]

Amended 1862, 108. Superseded by Code of Civil Procedure, secs. 1811-1821.

ACT 2109.

To authorize married women to convey real estate held by them in their own right. [Stats. 1855, p. 12.]

Superseded by provisions of Civil Code.

Cal.Rep.Cit. 41, 608.

ACT 2110.

To prevent the fraudulent conveyance or incumbrance of realty by married women. [Stats. 1863, p. 750.]

Superseded by Penal Code, sec. 534.

Cal.Rep.Cit. 72, 445.

ACT 2111.

To protect the rights of married women in certain cases. [Stats. 1869-70, p. 226.]

Cal.Rep.Cit. 49, 86; 122, 255.

This act related to the earnings and the separate property of married women.

TITLE 290.

MARSHALL MONUMENT.

ACT 2116.

To provide for the appointment of a guardian for the Marshall monument and grounds, prescribing his duties, and appropriating money therefor. [Approved March 31, 1891. Stats. 1891, p. 424.]

TITLE 291.

MARTINEZ.

ACT 2121.

Incorporating. [Stats. 1875-6, p. 822.]

Amended 1877-8, 297. Superseded by incorporating, in 1884, under Municipal Corporation Act of 1883.

ACT 2122.

Animals running at large in. [Stats. 1873-4, p. 302.]

Superseded by 1875-6, 822, sec. 7.

ACT 2123.

To provide for the disposition of certain property of the state. [Stats. 1851, p. 307.]

This act released to the town of Martinez the lands covered by Carquinez Straits lying opposite it.

TITLE 292.

MARYSVILLE.

ACT 2128.

Reincorporating. [Stats. 1875-6, p. 149.]

Amended 1877-8, 593.

ACT 2129.

Levees, construction and repair of. [Stats. 1875-6, p. 131.]

ACT 2130.

Levee indebtedness of, funding of. [Stats. 1875-6, p. 60.]

ACT 2131.

To establish a police court in. [Stats. 1889, p. 214.]

ACT 2132.

Superintendent of public schools, fixing salary of. [Stats. 1873-4, p. 152.]

TITLE 293.

MASTER AND SERVANT.

See Laborers; Liens, ante.

ACT 2137.

To provide for a day of rest from labor. [Stats. 1893, p. 54.]

This act provided that every employee should have one day in seven for rest.

ACT 2138.

To provide for the proper sanitary condition of factories and workshops, and the preservation of the health of the employees. [Stats. 1889, p. 3.]

Amended 1901, 571.

Unconstitutional. See *Schaezlein v. Cabaniss*, 135 Cal. 466.

ACT 2139.

To provide for a lunch hour for laborers in saw-mills, shake-mills, shingle-mills, and logging camps. [Stats. 1901, p. 75.]

This act appears in full in Civil Code, Appendix, p. 744.

ACT 2140.

To prevent misrepresentations of conditions of employment, making it a misdemeanor to misrepresent the same, and providing penalties therefor. [Stats. 1902, p. 269.]

This act appears in full in Penal Code, Appendix, p. 635.

TITLE 294.**MAYORS.****ACT 2145.**

Providing that in cities of over ten thousand inhabitants, the mayor or other chief executive shall not be required to act as city judge or ex-officio judge of the city court or as justice of the peace; to provide for the abolishment of such city court and the transfer of the business and properties of such city court to the justice of the peace of such city, and to require such justice to finish such business. [Stats. 1887, p. 51.]

This act appears in full in the Appendix to the Code of Civil Procedure, p. 763.

TITLE 295.**MEADOW LAKE.****ACT 2150.**

Incorporating town of Meadow Lake. [Stats. 1865-6, p. 372.]

TITLE 296.**MECHANICS' INSTITUTES.**

See title Chambers of Commerce.

ACT 2155.

To authorize the Mechanics' Institute of San Francisco to sell, mortgage and convey realty. [Stats. 1863, p. 290.]

TITLE 297.

MEDICINE.

ACT 2100.

An act to regulate medical practice to prevent blindness in infants.

[Approved February 17, 1897. Stats. 1897, p. 12.]

The people of the state of California, represented in senate and assembly, do enact as follows:

Section 1. Should one or both eyes of an infant become reddened or inflamed at any time within two weeks after birth, it shall be the duty of the midwife, nurse, or person having charge of said infant, to report the condition of the eyes at once to some legally qualified practitioner of medicine of the city, town, or district in which the parents of the infant reside.

Sec. 2. Any failure to comply with the provisions of this act shall be punishable by a fine not to exceed one hundred dollars, or imprisonment not to exceed six months, or both.

Sec. 3. This act shall take effect from and after its passage.

ACT 2161.

Practice of medicine, regulating. [Stats. 1875-6, p. 792.]

Amended 1877-8, 918. Repealed 1901, 64.

Cal.Rep.Clt. 71, 81; 106, 296; 122, 607.

ACT 2162.

An act for the regulation of the practice of medicine and surgery in the state of California, and for the appointment of a board of medical examiners in the matter of said regulation.

[Became a law under constitutional provision without governor's approval, February 27, 1901. Stats. 1901, p. 56.]

The people of the state of California, represented in senate and assembly, do enact as follows:

Section 1. *Appointment of board, quorum.* There shall be a board consisting of nine members, which shall be known as the board of medical examiners of the state of California. The members of said board shall be elected as follows: Five members thereof shall be elected by the

Medical Society of the State of California, two members thereof by the California State Homœopathic Medical Society, and two members thereof by the Eclectic Medical Society of the state of California. Said members shall be elected annually by said societies, respectively, according to such rules as each society may adopt for the election of the members to be elected by it, and the members so elected shall serve for one year, and until their successors shall have been elected and qualified. Each of said societies respectively may also elect alternates who shall fill such vacancies as may occur in its representation on the board. It shall require the affirmative vote of six members of said board to carry any motion or resolution, to adopt any rule, to pass any measure, or to authorize the issuance of any certificate to practice medicine and surgery as in this act provided.

Sec. 2. *Oath.* Each member of said board shall, before entering upon the duties of his office, take the constitutional oath of office, and shall, in addition, make oath that he is a graduate in medicine, and a legally qualified practitioner of medicine in this state.

Sec. 3. *Organisation, meetings.* Said board shall organize by electing from its number a president, vice-president, secretary and treasurer, who shall hold their respective positions during the pleasure of the board. Said board shall hold its regular meetings in the city of San Francisco, on the first Tuesdays of April, August, and December of each year, for the consideration of applications for certificates, and for the transaction of such other business as may properly come before it, with power of adjournment from time to time until its business is concluded; provided, however, that examinations of applicants for certificates may, in the discretion of the board, be conducted in any part of the state designated by said board of examiners, under the supervision of any one member of said board, upon written questions previously prepared by said board; and when the examination is concluded the questions submitted, together with the answers and any other evidence or affidavits used or produced at said examination, shall be signed by said examiner and immediately returned to the board of examiners, who shall act upon said application for a certificate in the same manner as if the person had appeared personally before said board.

Notice of each regular meeting of the board shall be given by publication twice a week, for each of the two weeks next preceding each meeting, in two daily papers published in the city of San Francisco, in one daily paper published in the city of Sacramento, and in one daily paper published in the city of Los Angeles. Special meetings of the board may be held at the call of the president, at such time and place as he shall direct, and the same notice thereof shall be given as in the case of regular meetings. Said board shall procure a seal, and shall receive through its secretary applications for the certificates provided to be issued under this act.

Sec. 4. *Rules.* Said board may from time to time adopt such rules as may be necessary to enable it to carry into effect the provisions of this act. Any member of said board may administer oaths in all matters pertaining to the duties of said board, and the board shall have the authority to take evidence as to any matter cognizable by it.

Sec. 5. *Requirements, examination, fee.* Every person before practicing medicine or surgery, or any of the departments of medicine or surgery in this state, must have the certificate herein provided for. In order to procure such certificate he must produce satisfactory testimonials of good moral character, and a diploma issued by some legally chartered medical school, the requirements of which medical school shall have been at the time of granting such diploma, in no particular less than those prescribed by the Association of American Medical Colleges for that year; or he must produce satisfactory evidence of having possessed such diploma, or a license from some legally constituted institution which grants medical and surgical licenses only upon actual examination, or satisfactory evidence of having possessed such license; and he must accompany said diploma or license with an affidavit stating that he is the lawful possessor of the same, that he is the person therein named, and that the diploma or license was procured in the regular course, either of instruction or examination, without fraud or misrepresentation of any kind. Such affidavit may be taken before any person authorized to administer oaths, and the same shall be attested under the hand and official seal of such officer, if he have a seal. In addition to such affidavit, said board may hear such further evidence as, in its

discretion, it may deem proper as to any of the matters embraced in said affidavit. If it should appear from such evidence that said affidavit is untrue in any particular, or if it should appear that the applicant is not of good moral character, the application must be rejected.

In addition to the requirements above set forth, each applicant for a certificate must be personally examined by said board as to his qualifications to practice medicine and surgery. The examination shall be conducted in the English language, and shall be, in whole or in part, in writing, and shall be on the following subjects, to wit: Anatomy, physiology, bacteriology, pathology, chemistry and toxicology, surgery, obstetrics, materia medica and therapeutics, and theory and practice of medicine. When the applicant applies for examination in materia medica and therapeutics, and theory and practice of medicine, he shall designate in what school of medicine he desires to practice, and only the member or members of the board who belong to the school so designated shall participate in this part of the examination. Examinations shall be practical in character, and designed to discover the applicant's fitness to practice medicine and surgery.

Examinations in each subject shall consist of not less than ten questions, answers to which shall be marked upon a scale of one to ten. If an applicant fail in his first examination he may, after not less than six months, be re-examined. If he fail in a second examination he shall not thereafter be entitled to another examination in less than one year after date of second examination; and shall be required to pay for such examinations the full fee. The examination papers shall form a part of the records of said board, and shall be kept on file by the secretary. In said examination the applicant shall be known and designated by number only, and the name attached to the number shall be kept secret by the secretary until after the board has finally voted upon the application. The secretary of the board of medical examiners shall in no instance participate, as an examiner, in any examinations held by the board; nor shall he be entitled to vote upon the question of granting any certificate to practice medicine and surgery.

Said board may, in its discretion, accept and register, upon payment of the registration fee, and without exam-

ination of the applicant, any certificate which shall have been issued to him by the medical examining board of the District of Columbia, or of any state or territory of the United States; provided, however, that the legal requirements of such medical examining board shall have been, at the time of issuing such certificate, in no degree or particular less than those of California at the time when such certificate shall be presented for registration to the board created by this act; and, provided further, that the provisions in this paragraph contained shall be held to apply only to such of said medical examining boards as accept and register the certificates granted by this board without examination by them of the ones holding such certificates. Each applicant, on making application, shall pay to the secretary of the board a fee of twenty (20) dollars, which shall be paid to the treasurer of said board by said secretary.

Sec. 6. *Certificate.* When any applicant has shown himself to be possessed of the qualifications herein required, and has successfully passed the said examination, a certificate must be issued to him by said board, authorizing him to practice medicine and surgery in this state. Said certificate shall be signed by the president and secretary of said board, and sealed with the seal of the board.

Sec. 7. *Record of proceedings.* Said board shall keep an official record of all its proceedings, a part of which record shall consist of a register of all applicants for certificates under this act, with the result of each application. Said record shall be evidence of all the proceedings of said board which are set out therein,

Sec. 8. *Registration.* Every person holding a certificate authorizing him to practice medicine or surgery, or both, in this state, must have it recorded in the office of the county clerk of the county in which the holder of said certificate is practicing his profession, and the fact of such recording shall be indorsed on the certificate by the county clerk recording the same. Every such person, on each change of residence, must have his certificate recorded in the county to which he shall have changed his residence. The absence of such record shall be prima facie evidence of the want of possession of such certificate. And any person holding a certificate who shall practice medicine or surgery, or attempt to practice medicine or surgery,

without first having filed his certificate with the county clerk, as herein provided, shall be deemed guilty of a misdemeanor, and shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars, or by imprisonment in the county jail for a period of not less than thirty days nor more than sixty days, or by both such fine and imprisonment.

Sec. 9. The county clerk shall keep in a book, provided for the purpose, a complete list of the certificates recorded by him, with the date of the record; and said book shall be open to public inspection during his office hours.

Sec. 10. *Refusal to grant certificate; revocation of certificate; unprofessional conduct.* Said board must refuse a certificate to any applicant guilty of unprofessional conduct; but before such refusal the applicant must be cited by citation, signed by the secretary of the board, and sealed with its seal. No such citation shall be issued except upon a sworn complaint filed with the secretary of the board, charging the applicant with having been guilty of unprofessional conduct, and setting forth the particular acts constituting such unprofessional conduct. On the filing of such complaint the secretary must forthwith issue a citation, and make the same returnable at the next regular session of said board, occurring at least thirty days next after filing the complaint. Such citation shall notify the applicant of the time and place, when and where the matter of said unprofessional conduct shall be heard, the particular unprofessional conduct with which the applicant is charged, and that the applicant shall file his written answer, under oath, within twenty days next after the service on him of said citation, or default will be taken against him, and his application for a certificate refused. The attendance of witnesses at such hearing shall be compelled by subpoenas issued by the secretary of the board, under its seal; and said secretary shall in no case refuse to issue any such subpoena, upon a fee of twenty cents being paid him for each subpoena. Said citation and said subpoenas shall be served in accordance with the statutes of this state then in force as to the service of citations and subpoenas generally, and all the provisions of the statutes of this state then in force relating to subpoenas are hereby made applicable to the subpoenas provided for herein. If any person refuse to

obey a subpoena served upon him in accordance with the statutes of this state then in force providing for the manner of serving subpoenas, the fact of such refusal shall be certified by the secretary of said board, under the seal thereof, to the superior court of the county in which the service was had, and said court shall thereupon proceed to hear said matter, in accordance with the statutes of this state then in force as to contempts for disobedience of process of the court; and should said court find that the subpoena had been legally served, and that the party so served had willfully disobeyed the same, it shall proceed to impose such penalty as provided in cases of contempt of court. In all cases of alleged unprofessional conduct arising under this act, depositions of witnesses may be taken, the same as in civil cases, and all the provisions of the statutes of this state then in force as to the taking of depositions are hereby made applicable to the taking of depositions under this act. If the applicant shall fail to file with the secretary of said board his answer, under oath, to the charges made against him, within twenty days after service on him of said citation, or within such further time as the board may give him, and the charges on their face be deemed sufficient by the board, default shall be entered against him, and his application refused. If the charges on their face be deemed sufficient by the board, and issue be joined thereon by answer, the board shall proceed to determine the matter, and to that end shall hear such evidence as may be adduced before it; and if it appear to the satisfaction of the board that the applicant is guilty as charged, no certificate shall be issued to him. No certificate shall be refused on the ground of unprofessional conduct unless the applicant has been guilty of such conduct subsequently to the passage of this act, and unless he has been guilty of such conduct within two years next preceding his application. Whenever any holder of the certificate herein provided for is guilty of unprofessional conduct, as the same is defined in this act, and the said unprofessional conduct has been brought to the attention of the board granting said certificate, in the manner hereinafter pointed out, it shall be their duty to, and they must, revoke the same at once, and the holder of said certificate shall not thereafter be permit-

ted to practice medicine or surgery, or any of the departments of medicine or surgery, in this state. But no such revocation shall be made unless said holder is cited to appear, and the same proceedings are had as is hereinbefore provided in this section in case of refusal to issue certificates. The accused party, at the time he presents his answer for filing, shall deposit with the secretary his certificate, and unless he do so, the secretary must not file his answer, and default shall be thereupon entered against him, and his certificate revoked if the charges on their face be deemed sufficient by the board. When the certificate is revoked, the secretary of the board, if said certificate has been deposited with him, shall write across the face thereof, in red ink, the fact of such revocation, and shall file said certificate, so revoked, among the archives of his office, and shall also certify the fact of such revocation, under the seal of the board, to the county clerk of the counties in which the certificate of the person whose certificate has been revoked is recorded; and said clerk must thereupon write upon the margin or across the face of his register of the certificate of such person, the following:

"This certificate was revoked on the ——— day of ———," giving the day, month and year of such revocation, in accordance with said certification to him by said secretary. The record of such revocation so made by said county clerk shall be prima facie evidence of the fact thereof, and of the regularity of all the proceedings of said board in the matter of said revocation. If said board shall decide against revocation, the certificate shall be returned to the holder thereof. No certificate shall be revoked for unprofessional conduct unless the accused has been guilty thereof subsequently to the passage of this act, and unless he has been guilty thereof within two years next preceding the time of filing the complaint charging him with such unprofessional conduct. From the time of the revocation of a certificate the holder thereof shall be disqualified from practicing medicine or surgery in this state.

The words "unprofessional conduct," as used in this act, are hereby declared to mean:

First—The procuring or aiding or abetting in procuring a criminal abortion.

Second—The obtaining of any fee on the assurance that a manifestly incurable disease can be permanently cured.

Third—The willfully betraying a professional secret.

Fourth—All advertising of medical business in which grossly improbable statements are made.

Fifth—All advertising of any medicines, or of any means, whereby the monthly periods of women can be regulated, or the menses re-established if suppressed.

Sixth—Conviction of any offense involving moral turpitude.

Seventh—Habitual intemperance.

Sec. 11. *Expenditures of the board.* Said board shall have the power to employ legal counsel and clerical assistance, and to fix the salaries of the same, and to incur such other expenses as may be deemed necessary to carry into effect the provisions of this act. It shall also fix the salary of the secretary, not to exceed the sum of twenty-four hundred dollars per annum, and the sum to be paid to other members of said board, not to exceed ten dollars per diem each, for each and every day of actual service in the discharge of official duties; and said board may, in its discretion, add to said sums necessary traveling expenses. All money in excess of the actual expenses of the board shall be paid annually into the treasuries of the respective state medical societies, and shall be prorated according to the number of representatives of each school among the applicants examined.

Sec. 12. *Illegal practice.* Any person practicing medicine or surgery in this state, without having, at the time of so practicing, a valid, unrevoked certificate, as provided in this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than one hundred dollars, nor more than five hundred dollars, or by imprisonment for a term of not less than sixty days, nor more than one hundred and eighty days, or by both such fine and imprisonment. In each such conviction one half of the fine shall be paid, when collected, to the prosecuting witness, or witnesses, and the other half shall be paid into the school fund of the county, or city and county, in which such conviction is had.

Sec. 13. *Unauthorized registration.* Every person filing for record, or attempting to file for record, the certificate

issued to another, falsely claiming himself to be the person named in such certificate, or falsely claiming himself to be the person entitled to the same, shall be guilty of felony, and, upon conviction thereof, shall be subject to such penalties as are provided by the laws of this state for the crime of forgery.

Sec. 14. *False representation.* Any person assuming to act as a member of a state board of medical examiners, or who shall sign, or subscribe, or issue or cause to be issued, or seal or cause to be sealed, a certificate authorizing any person to practice medicine or surgery in this state, except the person so acting and doing shall have been elected a member of said board of medical examiners as in this act provided, shall be guilty of a misdemeanor, and shall be punished by a fine of not less than one hundred dollars, nor more than five hundred dollars, or by imprisonment in the county jail for a term of not less than sixty nor more than one hundred and eighty days, or by both such fine and imprisonment.

Sec. 15. *Previous registration.* Any person who holds a certificate from one of the boards of examiners heretofore existing under the provisions of "An act to regulate the practice of medicine in the state of California," approved April third, eighteen hundred and seventy-six, or an act supplemental and amendatory to said act, which became a law April first, eighteen hundred and seventy-eight, shall be entitled to practice medicine and surgery in this state, the same as if it had been issued under this act; but all such certificates may be revoked for unprofessional conduct, in the same manner and upon the same grounds as if they had been issued under this act.

Sec. 16. *Definition.* The following persons shall be deemed as practicing medicine or surgery within the meaning of this act:

1. Those who profess to be, or hold themselves out as being, engaged as doctors, physicians or surgeons in the treatment of disease, injury, or deformity of human beings.

2. Those who, for pecuniary or valuable consideration, shall prescribe medicine, magnetism, or electricity, in the treatment of disease, injury, or deformity of human beings.

3. Those who, for pecuniary or valuable consideration,

shall employ surgical or medical means or appliances for the treatment of disease, injury, or deformity of human beings, except dealers in surgical, dental and optical appliances.

4. Those who, for a pecuniary or valuable consideration, prescribe or use any drug or medicine, appliance, or medical or surgical treatment, or perform any operation for the relief or cure of any bodily injury or disease.

The doing of any of the acts in this section mentioned shall be taken to be prima facie evidence of an intent on the part of the person doing any of said acts to represent himself as engaged in the practice of medicine or surgery, or both; but nothing in this act shall be so construed as to inhibit service in the case of emergency, or the domestic administration of family remedies; nor shall this act apply to any commissioned medical officer in the United States army, navy, or marine hospital service, in the discharge of his professional duties, nor to any legally qualified dentist when engaged exclusively in the practice of dentistry, nor to any physician or surgeon from another state or territory, when in actual consultation with a legal practitioner of this state, if such physician or surgeon is, at the time of such consultation, a legal practitioner of medicine or surgery in the state or territory in which he resides; nor to any physician or surgeon residing on the border of a neighboring state and duly authorized under the laws thereof to practice medicine or surgery therein, whose practice extends within the limits of this state; provided, that such practitioner shall not open an office or appoint a place to meet patients or receive calls within the limits of this state.

Sec. 17. *Repeal.* An act entitled "An act to regulate the practice of medicine in the state of California," approved April third, eighteen hundred and seventy-six; and an act entitled "An act supplemental to and amendatory of an act entitled 'An act to regulate the practice of medicine in the state of California,' April third, eighteen hundred and seventy-six," which became a law April first, eighteen hundred and seventy-eight, and all acts, and parts of acts, in conflict with this act, are hereby repealed.

Sec. 18. This act shall take effect from and after the first day of August, nineteen hundred and one.

TITLE 298.

MENDOCINO COUNTY.

ACT 2167.

Big River township, purchase and construction of free bridges in. [Stats. 1873-4, p. 544.]

Amended and supplemented 1873-4, 791.

ACT 2168.

Purchase and erection of bridges in, building and improvement of roads. [Stats. 1875-6, p. 376.]

ACT 2169.

Providing for disposal of lots in towns on the public lands in. [Stats. 1860, p. 287.]

Superseded by 1867-8, 487.

This act was passed to carry out the provisions of an act of congress for the relief of citizens of towns on the public lands.

ACT 2170.

Fixing salaries of certain officers of. [Stats. 1873-4, p. 174.]

Amended 1877-8, 183. Repealed by County Government Act, 1897, 525, sec. 174.

This act fixed the salaries of sheriff, county clerk, and recorder.

ACT 2171.

Regulating fees of certain officers of. [Stats. 1873-4, p. 539.]

Repealed by County Government Acts, 1897, 525, sec. 174, and fee bill of 1895, 267.

ACT 2172.

Repealing all special road laws in. [Stats. 1873-4, p. 359.]

ACT 2173.

To provide for the election of supervisors in. [Stats. 1877-8, p. 1021.]

Repealed by the County Government Acts, 1897, 452.

TITLE 299.

MENLO PARK.

ACT 2178.

Incorporation. [Stats. 1873-4, p. 533.]

Repealed 1875-6, 400.

TITLE 300.

MERCED CITY.

ACT 2183.

Protection against fire in. [Stats. 1877-8, p. 214.]

TITLE 301.

MERCED COUNTY.

ACT 2188.

Separating office of county recorder from county clerk, and regulating the salaries of certain officers in. [Stats. 1873-4, p. 660.]

Amended 1877-8, 107, 137. Repealed by County Government Acts, 1897, 557, sec. 198.

ACT 2189.

Licenses, collection of. [Stats. 1875-6, p. 508.]

Repealed by County Government Acts, 1897, 452.

ACT 2190.

Collection of poll taxes in. [Stats. 1877-8, p. 837.]

Repealed by Political Code, sec. 2652.

ACT 2191.

Public administrator, bonds of. [Stats. 1871-2, p. 21.]

Superseded by County Government Act, 1897, 475.

ACT 2192.

Authorizing the supervisors to sell and convey the court-house block and buildings in the town of Snelling. [Stats. 1873-4, p. 239.]

ACT 2193.

Witness fees in. [Stats. 1873-4, p. 732.]

Repealed 1875-6, 493.

TITLE 302.

MEXICAN WAR.

ACT 2197.

Authorizing trustees of Associated Veterans of, to exchange certain lands for certain other property belonging to the city and county of San Francisco, or for a lease of such property. [Stats. 1871-2, p. 363.]

Amended 1881, 66.

TITLE 303.

MILITARY ACADEMY.

ACT 2200.

An act to furnish arms for the use of military academies in the state.

[Approved February 20, 1872. Stats. 1871-2, p. 121.]

Military academies—Majors.

Section 1. That when a military academy has been established within the state, having not less than eighty

boys, uniformed, drilled, and instructed in strict accordance with the tactics of the regular United States army service, and all its course of education and economy conducted upon strict military principles, the military instructor of such academy, when regularly elected by the board of trustees or other lawful authority of the academy, be commissioned in the National Guard of California, with the rank of major.

Bond and issue of arms, etc.

Sec. 2. That upon giving bond, with good security, to be approved by the county judge of the county where the academy is situated, conditioned for the safe-keeping against fire, loss and against all damages, in twice the value, that arms and accouterments, the property of the state, be issued for the use of such military academy.

Requisition.

Sec. 3. The adjutant-general of the state is hereby authorized to issue such arms and accouterments as may be needed by the said military academies, without a monthly allowance, in the same manner as arms and accouterments are issued to regular organized companies of the National Guard of California, upon requisition made for this purpose, approved by the commander-in-chief.

Sec. 4. This act shall take effect immediately.

TITLE 304.

MINERAL CABINET.

ACT 2205.

To provide for the establishment of a cabinet department in the state library. [Approved April 1, 1872. Stats. 1871-2, p. 824.]

ACT 2206.

To provide for the removal of the mineral cabinet from the state library. [Stats. 1887, p. 74.]

This act provided for the removal of the cabinet to the Crocker art gallery and the appointment of trustees of the mineral cabinet.

TITLE 305.

MINES AND MINING.

ACT 2211.

Establishment and maintenance of a mining bureau. [Stats. 1880, p. 115.]

Repealed 1893, 207.

ACT 2212.

Supplemental to act providing for mining bureau. [Stats. 1885, p. 217.]

Repealed 1898, 207.

ACT 2213.

To provide for the establishment of a state mining bureau. [Stats. 1898, p. 203.]

Amended 1903, 113.

ACT 2214.

Appropriation to be used in the construction of works for restraining and impounding debris. [Stats. 1901, p. 7.]

This act appropriated \$150,000 for the above purpose.

ACT 2215.

An act to provide in whose name title shall be taken to the site or sites for the construction of the works provided for in the act of the legislature of the state of California entitled "An act to provide for the appointment, duties and compensation of a debris commissioner, and to make an appropriation to be expended under his directions in the discharge of his duties as such commissioner," approved March 24, 1893, and the amendments thereto.

[Approved March 13, 1901. Stats. 1901, p. 282.]

The people of the state of California, represented in senate and assembly, do enact as follows:

Section 1. The title, estate and interests in all sites purchased under the act of the legislature of the state of California entitled "An act to provide for the appointment, duties and compensation of a debris commissioner, and to make an appropriation to be expended under his directions in the discharge of his duties as such commissioner," approved March twenty-fourth, eighteen hundred and ninety-three, and the amendments thereto, for the construction of the works in said acts contemplated, shall be taken in the name of the government of the United States of America.

Sec. 2. This act shall take effect immediately.

ACT 2216.

Prescribing the manner of locating mining claims upon the public domain of the United States, recording notices of location thereof, amending defective locations,

and providing for the deposit of district records with county recorders, and prescribing the effect to be given to recordation of notices of location and affidavits. [Approved March 27, 1897. Stats. 1897, p. 214.]

Repealed 1899, 148; 1900, 9.

Cal.Rep.Cit. 125, 193; 129, 862; 129, 433; 131, 563.

ACT 2217.

To protect owners of crops, buildings, and improvements in the mining districts. [Stats. 1855, p. 145.]

Unconstitutional in part. (Gillam v. Hutchinson, 16 Cal. 158.)

This act protected the owners of growing crops from injury by miners.

ACT 2218.

To secure to the miners of this state pure and unadulterated quicksilver. [Stats. 1865-6, p. 191.]

This act is not in terms repealed, although as to the criminal portion it is superseded by the Penal Code, secs. 363, 367. It is difficult to determine how much, if any, of the balance remains in force. Under any circumstances it is regarded as of sufficient importance to refer to it here.

ACT 2219.

Concerning partnerships for mining purposes. [Stats. 1865-6, p. 828.]

This act has not been in terms repealed, and in the absence of direct legislation it is difficult to tell whether it is in force or not.

ACT 2220.

Providing for conveyance of mining claims. [Stats. 1860, p. 175.]

Amended 1868, 98.

"Probably repealed by secs. 1091 et seq., Civ. Code. If not, then modified as to corporations by 1880, 131."—Code Commissioners' note.

ACT 2221.

An act to provide for the covering or fencing of abandoned mining shafts, pits or excavations, the penalty, and also the penalty for removing or destroying the covering or fencing from same.

[Approved March 20, 1903. Stats. 1903, p. 283.]

The people of the state of California, represented in senate and assembly, do enact as follows:

Section 1. All abandoned mining shafts, pits or other abandoned excavations dangerous to passers by or live-

stock shall be securely covered or fenced, and kept so, by the owners of the land or persons in charge of the same, on which such shafts, pits or other excavations are located. Any person or persons failing to comply with the provisions of this section shall be deemed guilty of a misdemeanor.

Sec. 2. All abandoned mining shafts, pits or other excavations situated on unoccupied public lands may be securely covered or fenced by order of the board of supervisors of the county wherein the same is situated, and it shall be the duty of the board of supervisors to keep the same securely fenced or covered whenever it appears to them, by proof submitted, that the same is dangerous or unsafe to man or beast. The cost of said covering or fencing to be a county charge.

Sec. 3. Any person or persons maliciously removing or destroying any covering or fencing placed around or over any shaft, pit or other excavation, as hereinbefore provided, shall be deemed guilty of a misdemeanor.

Sec. 4. This act shall take effect six months from the day of passage.

ACT 2232.

An act for the protection of miners.

[Approved March 16, 1872. Stats. 1871-2, p. 413.]

Protection of miners.

Section 1. It shall not be lawful for any corporation, association, owner, or owners of any quartz-mining claims within the state of California, where such corporation, association, owner, or owners employ twelve men daily, to sink down into such mine or mines any perpendicular shaft or incline beyond a depth from the surface of three hundred feet without providing a second mode of egress from such mine, by shaft or tunnel, to connect with the main shaft at a depth of not less than one hundred feet from the surface.

Modes of escape.

Sec. 2. It shall be the duty of each corporation, association, owner, or owners of any quartz mine or mines in this state, where it becomes necessary to work such mines beyond the depth of three hundred feet, and where the number of men employed therein daily shall be twelve or

more, to proceed to sink another shaft or construct a tunnel so as to connect with the main working-shaft of such mine as a mode of escape from underground accident, or otherwise. And all corporations, associations, owner, or owners of mines as aforesaid, working at a greater depth than three hundred feet, not having any other mode of egress than from the main shaft, shall proceed as herein provided.

Liabilities.

Sec. 3. When any corporation, association, owner, or owners of any quartz mine in this state shall fail to provide for the proper egress as herein contemplated, and where any accident shall occur, or any miner working therein shall be hurt or injured, and from such injury might have escaped if the second mode of egress had existed, such corporation, association, owner or owners of the mine where the injuries shall have occurred shall be liable to the person injured in all damages that may accrue by reason thereof; and an action at law in a court of competent jurisdiction may be maintained against the owner or owners of such mine, which owners shall be jointly or severally liable for such damages. And where death shall ensue from injuries received from any negligence on the part of the owners thereof, by reason of their failure to comply with any of the provisions of this act, the heirs or relatives surviving the deceased may commence an action for the recovery of such damages as provided by an act entitled an act requiring compensation for causing death by wrongful act, neglect, or default, approved April twenty-sixth, eighteen hundred and sixty-two.

Sec. 4. This act shall take effect and be in force six months from and after its passage.

ACT 2223.

An act for the protection of coal mines and coal miners.

[Approved March 27, 1874. Stats. 1873-4, p. 726.]

Map.

Section 1. The owner or agent of every coal mine shall make or cause to be made an accurate map or plan of the workings of such coal mine, on a scale of one hundred feet to the inch.

Copies.

Sec. 2. A true copy of which map or plan shall be kept at the office of the owner or owners of the mine, open to the inspection of all persons, and one copy of such map or plan shall be kept at the mines by the agent or other person having charge of the mines, open to the inspection of the workmen.

Shafts or outlets.

Sec. 3. The owner or agent of every coal mine shall provide at least two shafts, or slopes, or outlets, separated by natural strata of not less than one hundred and fifty feet in breadth, by which shafts, slopes, or outlets distinct means of ingress and egress are always available to the persons employed in the coal mine; provided, that if a new tunnel, slope, or shaft will be required for the additional opening, work upon the same shall commence immediately after the passage of this act, and continue until its final completion, with reasonable dispatch.

Ventilation.

Sec. 4. The owner or agent of every coal mine shall provide and establish for every such mine an adequate amount of ventilation, of not less than fifty-five cubic feet per second of pure air, or thirty-three hundred feet per minute, for every fifty men at work in such mine, and as much more as circumstances may require, which shall be circulated through to the face of each and every working place throughout the entire mine, to dilute and render harmless and expel therefrom the noxious, poisonous gases, to such an extent that the entire mine shall be in a fit state for men to work therein, and be free from danger to the health and lives of the men by reason of said noxious and poisonous gases, and all workings shall be kept clear of standing gas.

Inside overseer—Duties.

Sec. 5. To secure the ventilation of every coal mine, and provide for the health and safety of the men employed therein, otherwise and in every respect, the owner, or agent, as the case may be, in charge of every coal mine, shall employ a competent and practical inside overseer, who shall keep a careful watch over the ventilating apparatus, over the air ways, the traveling ways, the pumps and sumps, the timbering, to see as the miners

advance in their excavations that all loose coal, slate, or rock overhead is carefully secured against falling; over the arrangements for signalling from the bottom to the top, and from the top to the bottom of the shaft or slope, and all things connected with and appertaining to the safety of the men at work in the mine. He, or his assistants, shall examine carefully the workings of all mines generating explosive gases, every morning before the miners enter, and shall ascertain that the mine is free from danger, and the workmen shall not enter the mine until such examination has been made and reported, and the cause of danger, if any, be removed.

Sec. 6. The overseer shall see that the hoisting machinery is kept constantly in repair and ready for use, to hoist the workmen in or out of the mine.

Owner.

Sec. 7. The word "owner" in this act shall apply to lessee as well.

Right of action.

Sec. 8. For any injury to person or property occasioned by any violation of this act, or any willful failure to comply with its provisions, a right of action shall accrue to the party injured for any direct damages he or she may have sustained thereby, before any court of competent jurisdiction.

Liability.

Sec. 9. For any willful failure or negligence on the part of the overseer of any coal mine, he shall be liable to conviction of misdemeanor, and punished according to law; provided, that if such willful failure or negligence is the cause of the death of any person, the overseer, upon conviction, shall be deemed guilty of manslaughter.

Boilers.

Sec. 10. All boilers used for generating steam in and about coal mines shall be kept in good order, and the owner or agent thereof shall have them examined and inspected, by a competent boiler-maker, as often as once in three months.

Sec. 11. This act shall not apply to opening a new coal mine.

Sec. 12. This act shall take effect immediately.

ACT 2224.

An act to provide a state hospital and asylum for miners.

[Approved March 14, 1881. Stats. 1881, p. 81.]

Erection of state hospital for miners.

Section 1. There shall be erected, as soon as conveniently may be, upon some suitable site, to be determined and obtained as is hereinafter provided, a public hospital and asylum for the reception, care, medical, and surgical treatment, and relief of the sick, injured, disabled, and aged miners, which shall be known as the "California State Miners' Hospital and Asylum."

Trustees of, how appointed.

Sec. 2. The governor shall nominate, and by and with the advice and consent of the senate appoint five persons to serve as trustees of the said institution, who shall be a body politic and corporate by the name and style of the "Trustees of the California State Miners' Hospital Asylum," and shall manage and direct the concerns of the institution, and make all necessary by-laws and regulations, and shall have power to receive, hold, dispose of, and convey all real and personal property conveyed to them by gift, devise, or otherwise, for the use of said institution, and shall serve without compensation. Of those first appointed, two shall serve for two years, and three for four years; and at the expiration of the respective terms, each class thereafter shall be appointed for four years. A vacancy in said board, from any cause, shall be filled by appointment by the governor for the unexpired term.

Superintendent, how appointed.

Sec. 3. The said trustees shall have charge of the general interests of the institution; they shall appoint the superintendent, who shall be a skillful physician and surgeon, subject to removal or re-election no oftener than in periods of ten years, except by infidelity to the trust reposed in him, or for incompetency.

By-laws.

Sec. 4. The trustees, by and with the consent of the governor, shall make such by-laws and regulations for the government of the institution as shall be necessary; they shall appoint a treasurer, who shall give bonds to the people of the state of California for the faithful discharge

of his duties; and they shall fix the compensation of all officers, assistants, and attaches, who may be necessary for the just and economical administration of the affairs of said institution.

Charges for medical attendance.

Sec. 5. Indigent miners shall be charged for medical attendance, surgical operations, board, and nursing while residents in the hospital and asylum, no more than the actual cost; paying patients, whose friends can pay their expenses, and who are not chargeable upon townships and counties, shall pay according to the terms directed by the trustees.

Powers of boards of supervisors.

Sec. 6. The several boards of supervisors of counties, or any constituted authority in the state having care and charge of any indigent sick, or aged person or persons, if satisfactorily proven by them to have been miners, shall have authority to send to the "California State Miners' Hospital and Asylum" such persons, and they shall be severally chargeable with the expenses of the care, maintenance, and treatment, and removal to and from the hospital and asylum of such patients.

Trustees to report.

Sec. 7. The trustees shall annually, at such time as the governor may designate, report to him, for transmission to the legislature, such a statement as he may require as to the management of the said hospital and asylum.

Sec. 8. This act shall take effect immediately.

ACT 2225.

An act to establish a uniform system of mine bell signals, to be used in all mines operated in the state of California, and for the protection of miners.

[Approved March 8, 1893. Stats. 1893, p. 82.]

Section 1. Every person, company, corporation, or individual operating any mine within the state of California—gold, silver, copper, lead, coal, or any other metal or substance where it is necessary to use signals by means of bell or otherwise for shafts, inclines, drifts, crosscuts, tunnels, and underground workings—shall, after the pas-

sage of this bill, adopt, use, and put in force the following system or code of mine bell signals, as follows:

- 1 bell, to hoist. (See rule 2.)
 - 1 bell, to stop if in motion.
 - 2 bells to lower. (See rule 2.)
 - 3 bells, man to be hoisted; run slow. (See rule 2.)
 - 4 bells, start pump, if not running, or stop pump if running.
 - 1—3 bells, start or stop air compressor.
 - 5 bells, send down tools. (See rule 4.)
 - 6 bells, send down timbers. (See rule 4.)
 - 7 bells, accident; move bucket or cage by verbal orders only.
 - 1—4 bells, foreman wanted.
 - 2—1—1 bells, done hoisting until called.
 - 2—1—2 bells, done hoisting for the day.
 - 2—2—2 bells, change buckets from ore to water, or vice versa.
 - 3—2—1 bells, ready to shoot in the shaft. (See rule 3.)
- Engineer's signal, that he is ready to hoist, is to raise the bucket or cage two feet and lower it again. (See Rule 3.)

Levels shall be designated and inserted in notice hereinafter mentioned. (See Rule 5.)

Sec. 2. For the purpose of enforcing and properly understanding the above code of signals, the following rules are hereby established:

Rule 1. In giving signals make strokes on bell at regular intervals. The bar (—) must take the same time as for one stroke of the bell, and no more. If timber, tools, the foreman, bucket, or cage, are wanted to stop at any level in the mine, signal by number or strokes on the bell, the number of the level first before giving the signal for timber, tools, etc. Time between signals to be double bars (— —). Examples:

- 6 — — 5, would mean stop at sixth level with tools.
- 4 — — 1—1—1— —1, would mean stop at fourth level, man on, hoist.
- 2— —1—4, would mean stop at second level with foreman.

Rule 2. No person must get off or on the bucket or cage while the same is in motion. When men are to be hoisted,

give the signal for men. Men *must* then get on bucket or cage, *then* give the signal to hoist. Bell cord must be in reach of man on the bucket or cage at stations.

Rule 3. After signal "Ready to shoot in shaft," engineer must give his signal when he is ready to hoist. Miners must then give the signal of "Men to be hoisted," then "spit fuse," get into the bucket, and give the signal to hoist.

Rule 4. All timbers, tools, etc., "longer than the depth of the bucket," to be hoisted or lowered, must be securely lashed at the upper end to the cable. Miners must know they will ride up or down the shaft without catching on rocks or timbers, and be thrown out.

Rule 5. The foreman will see that one printed sheet of these signals and rules for each level and one for the engine-room are attached to a board not less than twelve inches wide by thirty-six inches long, and securely fasten the board up where signals can be easily read at the places above stated.

Rule 6. The above signals and rules must be obeyed. Any violation will be sufficient grounds for discharging the party or parties so doing. No person, company, corporation, or individuals operating any mine within the state of California shall be responsible for accidents that may happen to men disobeying the above rules and signals. Said notice and rules shall be signed by the person or superintendent having charge of the mine, who shall designate the name of the corporation or the owner of the mine.

Sec. 3. Any person or company failing to carry out any of the provisions of this act shall be responsible for all damages arising to or incurred by any person working in said mine during the time of such failure.

Sec. 4. This act shall take effect immediately.

ACT 2226.

An act to provide for the appointment, duties, and compensation of a debris commissioner, and to make an appropriation to be expended under his directions in the discharge of his duties as such commissioner.

[Approved March 24, 1893. Stats. 1893, p. 339.]

Amended 1897, 169; 1901, 284, 564. Sec. 6 repealed 1901, 564.

Section 1. The governor of the state of California shall, on or before the first day of January, one thousand nine hundred and two, appoint a competent civil or mining engineer for a period of four years only, to be known as and called the state debris commissioner. [Amendment approved March 18, 1901. Stats. 1901, p. 284. In effect immediately.]

Sec. 2. Said commissioner shall receive as full compensation for his services an annual salary of six hundred dollars, payable monthly out of the state treasury in like manner as the salary of other state officers, and his necessary traveling expenses while actually engaged in the discharge of his duties, to be allowed by the state board of examiners. [Amendment approved March 23, 1901. Stats. 1901, p. 564. In effect immediately.]

Sec. 3. It shall be the duty of the said debris commissioner to consult and advise with the members of the corps of engineers of the United States army comprising the California debris commission (created by act of congress approved March first, eighteen hundred and ninety-three), in relation to the construction of works for the restraining and impounding of debris resulting from mining operations, natural erosion, or other causes; and it shall be his duty to examine such works, and to report the result of such examination to the state board of examiners. Said debris commissioner is further authorized and directed to consult and advise with said "California Debris Commission" in relation to any and all plans and specifications that may have been, or may hereafter be prepared or adopted by said "California Debris Commission," for the construction of such restraining or impounding works, and said debris commissioner shall submit a copy of all such plans and specifications to the state board of examiners for their examination and consideration, together with his approval or disapproval thereof, or other recommendation with reference thereto.

The state board of examiners shall thereupon proceed to examine and consider the plans and specifications thus submitted to them, and in that behalf may require the attendance, counsel, and advice of said debris commissioner, during their examination and consideration thereof. The state board of examiners shall keep a record of their deliberations and shall either approve or disapprove

said plans and specifications, which approval or disapproval may be by a majority vote of said board; provided, that no plans and specifications involving an expenditure on the part of the state of California of a sum greater than the appropriation herein made shall be approved.

If said plans and specifications be approved by the state board of examiners, the said debris commissioner shall thereupon report such action to said "California Debris Commission."

Whenever said "California Debris Commission" or the government of the United States shall have entered into any contract for the construction of works for the purposes described in this act, in pursuance of plans and specifications that have been theretofore approved by the state board of examiners as in this act provided, it shall then be the duty of the debris commissioner to carefully inspect such works during the process of their construction and to keep a record of the result of such inspection and to report the same monthly to the state board of examiners. Said debris commissioner shall also from time to time, during the process of the construction of such works, when requested so to do by the said "California Debris Commission," draw his warrants upon the state controller in favor of such person or persons as may be designated by said "California Debris Commission" for such amounts as shall equal one half of the cost of the construction of said works; and said debris commissioner shall, in like manner, and when requested so to do by said "California Debris Commission," draw his warrant upon the state controller for an amount equal to one half the purchase price of any site or sites necessary for the construction of said works; provided, that the purchase of such site or sites shall have been first approved by the state board of examiners; and provided further, that no warrant shall be drawn in excess of the amount appropriated by this act. [Amendment approved March 17, 1897. Stats. 1897, p. 169. In effect immediately.]

Sec. 4. There is hereby appropriated out of the general fund of the treasury of this state not otherwise appropriated, the sum of two hundred and fifty thousand dollars, to be used in the construction of works for the restraining and impounding of debris resulting from mining operations, natural erosion, or other causes, and for the purchase of

sites therefor. The appropriation made by this section is intended as a reappropriation of the sum of two hundred and fifty thousand dollars appropriated by the act entitled "An act to provide for the appointment, duties, and compensation of a debris commissioner, and to make an appropriation to be expended under his directions in the discharge of his duties as such commissioner," approved March twenty-fourth, eighteen hundred and ninety-three, and it is expressly intended and provided by this act that the state of California shall, in no event, incur any liability hereunder beyond the amount of the appropriation herein made; and no contractor, claimant, or person shall acquire any right or obligation against the state of California beyond said sum so appropriated and set apart for the purposes hereinabove set forth and it is expressly declared that any claim or demand against the state of California in excess of said appropriation shall be invalid and void. Said moneys shall be paid only upon orders drawn by the state controller upon the written request of said debris commissioner, as in this act provided. [Amendment approved March 17, 1897. Stats. 1897, p. 169. In effect immediately.]

Sec. 5. The term of office of said debris commissioner shall be four years from the date of his appointment. He shall take the same oath of office as is provided by law for other state officers, and before entering upon the discharge of his duties shall give bond, with sufficient sureties, to be approved by the governor of the state, in the sum of fifty thousand dollars, for the faithful discharge of his duties as such officer.

Sec. 6. Repealed. [Act approved March 23, 1901. Stats. 1901, p. 564. In effect immediately.]

Sec. 7. All expenditures authorized by the provisions of this act shall be subject to the approval of the state board of examiners; and the state controller is hereby authorized to draw his warrant for all expenditures not in excess of the appropriation herein provided for so approved by the state board of examiners, and the state treasurer is hereby directed to pay the same. [Amendment approved March 17, 1897. Stats. 1897, p. 169. In effect immediately.]

ACT 2327.

An act regulating the sale of mineral lands belonging to the state. [Stats. 1873-4, 766.]

Amended 1875-6, 20; 1880, 26. Repealed 1897, 488.

The repealing act contained the following sections:—

Sec. 2. When it shall be shown by affidavits or otherwise, to the satisfaction of the surveyor-general, that any portion of a sixteenth or thirty-sixth section belonging to the state is valuable for its mineral deposits, the surveyor-general shall not approve any application to purchase the same, nor shall the register of the state land office issue a certificate of purchase therefor, until the question of the character of the land has been referred for determination to a court of competent jurisdiction, in the manner provided by section thirty-four hundred and fourteen of the Political Code, and adjudged not to be valuable as mining land.

Sec. 3. The sixteenth and thirty-sixth sections belonging to the state, in which there may be found valuable mineral deposits, are hereby declared to be free and open to exploration, occupation, and purchase of the United States, under the laws, rules, and regulations passed and prescribed by the United States for the sale of mineral lands.

Sec. 4. This act shall take effect from and after its passage.

ACT 2328.

To regulate the rights of owners of mines. [Stats. 1869-70, 569.]

This act gave rights of way to miners and provided a means by which rights of way and places of deposit could be obtained. It has not been in terms repealed, but as county courts have been abolished it is probably not in force.

ACT 2329.

An act entitled an act relating to the working, rights of way, easement, and drainage of mines in the state of California.

[Approved March 31, 1891. Stats. 1891, p. 219.]

Cal.Rep.Cit. 117, 490.

Section 1. Whenever any mine-owner, company, or corporation shall have performed the labor and made the improvements required by law for the location and ownership

of mining claims or lodes, such owner, company, or corporation shall file or cause to be filed, within thirty days after the time limited for performing such labor or making such improvements, with the county recorder of deeds of the county in which the mine or claim is situated, [an affidavit] particularly describing the labor performed and improvements made, and the value thereof, which affidavit shall be prima facie evidence of the facts therein stated. Upon the failure of any claimant or mine-owner to comply with the conditions of this act in the performance of labor, or making of improvements upon any claim, mine, or mining ground, the claim or mine upon which such failure occurred shall be opened to relocation in the same manner as if no location of the same had ever been made. But if, previous to relocation, the original locators, their heirs, assigns, or legal representatives, resume work upon such claim, and continue the same with reasonable diligence until the required amount of labor has been performed or improvements made, and the required statement of accounts and affidavits filed with the county recorder, then the claim shall not be subject to relocation because of previous failure to file accounts. Upon the failure of any one of the several co-owners to contribute his portion of the expenditures required hereby, the co-owners who have performed the labor or made the improvement may, at the expiration of the year, give such delinquent co-owner personal notice, in writing, or by publication in the newspaper published nearest the claim for at least once a week for ninety days; and if, at the expiration of ninety days after such notice in writing or publication, such delinquent shall fail or refuse to contribute his portion of the expenditures required by this section, his interest in the claim shall become the property of his co-owners who made the required expenditures. A copy of such notice, together with an affidavit showing personal service or publication, as the case may be, of such notice, when filed or recorded with the recorder of deeds of the county in which such mining claim is situated, shall be evidence of the acquisition of title of such co-owners. Where a person or company has or may run a tunnel or cuts for the purpose and in good faith for the purpose of developing a lode, lodes, or claims owned by said person or company or corporation, the money so expended in running

said tunnel shall be taken and considered as expended on said lodes or claims; provided further, that said lode, claim, or claims shall be distinctly marked on the surface as provided by law.

Sec. 2. All mining locations and mining claims shall be subject to a reservation of the right of way through or over any mining claims, ditches, roads, canals, cuts, tunnels, and other easements for the purpose of working other mines; provided, that any damage occasioned thereby shall be assessed and paid for in the manner provided by law for land taken for public use under the right of eminent domain.

Sec. 3. This act shall take effect immediately.

TITLE 306.

ACT 2224. MINING CORPORATIONS.

Supplemental to act for formation of corporations. [Stats. 1857, p. 121.]

See note to act 632, ante.

This act related to corporations formed for the purpose of ditching, mining, or conveying water for mining.

ACT 2225.

In reference to corporations organized to mine outside of the state. [Stats. 1861, p. 41.]

"Doubtless repealed by sec. 288, Civ. Code, except as to pre-existing corporations."—Code Commissioners' note. See act 632, ante.

ACT 2226.

To authorize corporations organized in this state for the purpose of mining in or without this state, to establish and maintain transfer agencies in other states. [Stats. 1863-4, p. 429.]

Superseded by Civil Code, secs. 586, 587.

ACT 2227.

Authorizing mining corporations to change their place of business. [Stats. 1863-4, p. 76.]

Superseded by sec. 821, Civ. Code, enacted 1875-6.

ACT 2228.

Authorizing mining companies of Aurora, Nevada, to remove their place of business to California. [Stats. 1863-4, p. 109.]

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ACT 2239.

Mining corporations, protection of stockholders in. [Stats. 1873-4, p. 866.]

Amended 1880, 134; 1897, 38.

This act appears in full in Civil Code, Appendix, p. 749. It provided that the books were open to inspection, for the posting of monthly accounts, and gave a right to inspect the grounds.

ACT 2240.

Further protection of stockholders in mining corporations. [Stats. 1880, p. 131.]

Amended 1897, 96.

Cal.Rep.Cit. 78, 633; 80, 312; 80, 558; 81, 368; 106, 551; 118, 137; 127, 284; 127, 684.

This act appears in full in Civil Code, Appendix, p. 752. It relates to the sale, lease, or mortgage of mines.

ACT 2241.

Concerning corporations, supplementing act of April 22, 1850. [Stats. 1871-2, p. 443.]

Amended 1875-6, 730. Unconstitutional. (Chollar etc. Co. v. Wilson, 66 Cal. 374.)

This act appears in full in Civil Code, Appendix, p. 746. It provided for the removal of officers of mining corporations.

TITLE 307.**MISSING PERSONS.****ACT 2246.**

An act authorizing the appointment of trustees for the estates of missing persons, and defining the duties of such trustees.

[Approved March 23, 1893. Stats. 1893, p. 218.]

Section 1. That whenever any resident of this state has been or may hereafter be missing, or his whereabouts unknown, for the period of ninety days, and any such person owns, is seised, or entitled to the seisin or the possession of any real or personal property in this state, and it is represented to the superior court, or a judge thereof, of any county in which such person owns any property, upon verified petition of the wife or of any relative or friend of such person, that his whereabouts has been unknown for such period of time and is still unknown, and that his estate requires the attention, supervision, and care of ownership, it shall be the duty of such court to

appoint some suitable person or persons to take charge and possession of such estate as trustee, and to manage and control the same under the direction of said court.

Sec. 2. That in appointing such trustee the court shall preferably appoint the wife of such missing person (if any such there be), or her nominee, and in the absence of a wife, some person who would be entitled to participate in the distribution of such missing person's estate were he dead. And the court shall have power to direct such trustee to pay to the person or persons constituting the family of such missing person such sum or sums of money, for family expenses and support, from the income of such estate, as it may from time to time determine.

Sec. 3. That the bond of the trustee so appointed shall be in double the amount of the estimated annual income of such estate; provided, that where such missing person has a wife living and no children, and the estate of such missing person is shown to be solvent, and the wife applies to be appointed trustee, the court shall require no bond of her.

Sec. 4. It shall be the duty of such trustee or trustees to take possession of all the real and personal estate in this state of such missing person, and to collect and receive the rents, income and profits thereof; to collect all indebtedness owing to such missing person, and pay the costs and expenses thereof out of the trust fund, and to pay such indebtedness of such missing person as he may be authorized to do by the court making the appointment of the trustee; and he shall from time to time, as he may be directed, account to and with said court for all of his or their acts and doings as trustee, and the court making such appointment may at any time, upon the application of any party interested, and upon good cause shown therefor, remove any trustee which it may so appoint, and appoint some other person or persons trustee or trustees in his or their place or stead.

Sec. 5. Upon presentation of the verified petition mentioned in section one, the court or judge shall order the same to be filed with the clerk of the court, and shall appoint a time for the hearing of said petition, not less than ten days from the date of said order; and the clerk shall publish notice in some newspaper published in said county, stating that such petition will be heard at the time so ap-

pointed, in the courtroom of said court. Said notice shall be published for five days, and such other notice of said application shall be given in such manner and to such persons as the court or judge may direct. All orders, judgments, and decrees made in proceedings under this statute may be entered and recorded as and with the like effect as other orders, judgments, and decrees in superior courts. From and after the presentation of said petition, and until decision rendered thereon, the wife of such missing person shall have all the powers of a trustee duly appointed and qualified under this act, and shall act as such trustee, subject to the direction of the court.

Sec. 6. This act shall be in force from and after its passage.

TITLE 308.

MOBS.

ACT 2251.

To provide for the compensation of parties whose property may be destroyed by mobs or riots. [Stats. 1867-8, p. 418.]

Superseded by Political Code, sec. 4452-4457.

TITLE 309.

MODESTO.

ACT 2256.

C. F. Leavenworth and his assigns, granting right to supply town of Modesto with water. [Stats. 1875-6, p. 41.]

TITLE 310.

MODOC COUNTY.

ACT 2261.

Creating. [Stats. 1873-4, p. 124.]

Supplemented 1878-4, 517. Sec. 4 of last-named act repealed as to Adin township, 1877-8, 111.

ACT 2262.

Semi-annual payment of interest and principal on bonds issued to Siskiyou County. [Stats. 1875-6, p. 649.]

ACT 2263.

Lawful and partition fences in. [Stats. 1873-4, p. 362.]

Amended 1875-6, 71.

ACT 2264.

Fees and salaries of officers of. [Stats. 1877-8, p. 140.]

Amended 1877-8, 454. Repealed by County Government Act, 1897, 566, sec. 208, as to salaries; and as to fees by the fee bill of 1895, 267, as to the officers therein named.

ACT 2265.

Herding of sheep, restriction of. [Stats. 1877-8, p. 241.]

ACT 2266.

Treasurer of county, bond of. [Stats. 1875-6, p. 154.]

Repealed by County Government Act, 1897, 475, sec. 66.

TITLE 311.

MOKELUMNE HILL.

ACT 2271.

Name changed to Lodi. [Stats. 1873-4, p. 690.]

ACT 2272.

Defining fire limits of, and providing for the support of the fire department thereof. [Stats. 1871-2, p. 625.]

TITLE 312.

MOKELUMNE RIVER.

ACT 2277.

To declare the Mokelumne River navigable. [Stats. 1880, p. 22.]

Superseded by Political Code, sec. 2349.

TITLE 313.

MONEY.

ACT 2282.

In relation to money of account in this state. [Stats. 1850, p. 459.]

Superseded by Political Code, secs. 3272-3274.

ACT 2283.

To regulate the coining of money by individuals. [Stats. 1851, p. 171.]

Superseded as to its penal provisions by sec. 6 of the Penal Code, and probably entirely superseded.

ACT 2284.

To prohibit any person or persons, association, company or corporation from exercising the privileges of banking or creating paper to circulate as money. [Stats. 1855, p. 128.]

Superseded by Penal Code, sec. 648.

TITLE 314.

MONO COUNTY.

ACT 2289.

Assessor, fixing compensation of. [Stats. 1873-4, p. 708.]

Repealed by County Government Act, 1897, 570, sec. 213.

ACT 2290.

Official bonds in. [Stats. 1873-4, p. 180.]

Repealed by County Government Act, 1897, 475, sec. 66.

ACT 2291.

To provide for additional judge in. [Stats. 1880, p. 99.]

Repealed 1883, 62.

ACT 2292.

Public roads in, improvement of. [Stats. 1877-8, p. 438.]

Repealed 1883, 5, chap. X, sec. 2, and by Political Code, sec. 2642, 2652.

ACT 2293.

Stallions running at large, act to prevent. [Stats. 1873-4, p. 228.]

ACT 2294.

Teachers in, employment of. [Stats. 1873-4, 509.]

Probably repealed by Political Code, sec. 1696, as amended 1893, 255.

TITLE 315.

MONTEREY CITY.

ACT 2299.

To incorporate the city of Monterey. [Stats. 1853, 159.]

Amended 1857, 55; 1862, 274; 1865, 834. Repealed 1889, 227.

ACT 2300.

To grant to the city of Monterey the title to the water front of said city in the bay of Monterey. Stats. 1867-8, p. 202.]

Amended 1903, 290.

TITLE 316.

MONTEREY COUNTY.

ACT 2306.

Court-house and jail, erection of. [Stats. 1877-8, p. 28.]

Amended 1877-8, 1034.

ACT 2307.

Transfer of money from one fund to another. [Stats. 1875-6, p. 595.]

Superseded by subd. 18, sec. 25, County Government Act, 1897, 463.

This act authorized the transfer of money from the swamp land fund to the general fund.

ACT 2308.

Concerning roads and highways in. [Stats. 1877-8, p. 998.]

Repealed 1883, 5, chap. X, sec. 2, and by the County Government Acts.

ACT 2309.

Repealing the act of 1868 relating to roads in Monterey and making the provisions of the codes, respecting roads and highways applicable. [Stats. 1873-4, 307.]

ACT 2310.

Authorizing the appointment of two additional notaries in Monterey County. [Stats. 1871-2, p. 792.]

Repealed by Political Code, sec. 791.

ACT 2311.

In relation to officers of, their fees and salaries. [Stats. 1877-8, p. 862.]

"Repealed, except as to county surveyor, by fee bill of 1895, 267, and the County Government Act 1897, 526, sec. 175. The provisions relating to the salary of recorder never went into effect. See Speegle v. Joy, 60 Cal. 278."—Code Commissioners' note.

ACT 2312.

To legalize and make valid copies of certain records of. [Stats. 1877-8, p. 736.]

ACT 2313.

Fees of sheriffs of. [Stats. 1871-2, p. 419.]

Repealed by County Government Act, 1897, 526, sec. 175.

ACT 2314.

Fixing salary of superintendent of common schools of. [Stats. 1871-2, p. 316.]

Repealed by County Government Act, 1897, 526, sec. 173.

ACT 2315.

Supervisory districts, reorganizing. [Stats. 1873-4, p. 203.]

Amended 1873-4, 432. Superseded by County Government Act, 1897, 452.

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ACT 2316.

Supervisors, terms of. [Stats. 1875-6, p. 124.]

Amended 1877-8, 326. Repealed by County Government Act, 1897, 452.

TITLE 317.

ACT 2320. MONTEREY CUSTOM HOUSE.

To provide for the appointment of a board of Monterey custom house trustees and for the acquisition of the control of the Monterey custom house property, and providing for an appropriation for the preservation, protection, and improvement of said property. [Approved March 16, 1901. Stats. 1901, 516.]

TITLE 318.

ACT 2325. MORO COJO SLOUGH.

Declared navigable. [Stats. 1873-4, p. 790.]

Repealed by Political Code, sec. 2349, as amended 1891.

TITLE 319.

ACT 2330. MORTGAGES.

To abolish attorney's fees and other charges in foreclosure. [Stats. 1873-4, p. 707.]

This act can be found in the Appendix to the Code of Civil Procedure, p. 780.

TITLE 320.

ACT 2335. MUNICIPAL CORPORATIONS.

To authorize and direct the municipal authorities of the several cities and incorporated towns of this state to execute certain trusts in relation to the town lands granted to the incorporated cities and towns in this state, by the act of congress entitled "An act for the relief of the inhabitants of cities and towns upon the public lands," approved March second, eighteen hundred and sixty-seven. [Approved March 24, 1868. Stats. 1867-8, p. 487.]

Amended 1871-2, 237.

Cal.Rep.Cit. 78, 60.

ACT 2336.

To authorize and direct the county judges of the several counties of this state to execute certain trusts in relation to the town lands granted to the unincorporated towns in this state by the act of congress entitled "An act for the relief of the inhabitants of cities and towns upon the public lands," approved March 2, 1867. [Stats. 1867-8, p. 692.]

Amended 1873-4, 37; 1885, 115.

Cal.Rep.Cit. 62, 609; 110, 194; 110, 197; 133, 52.

ACT 2337.

Authorizing incorporated cities to acquire by purchase, gift, or condemnation, water, water-rights, reservoir sites, etc. [Stats. 1891, p. 102.]

Cal.Rep.Cit. 124, 616.

ACT 2338.

To provide for the receipt and appropriation of donations to the state, or counties, or cities and counties, or cities or towns therein. [Approved April 3, 1880. Stats. 1880, p. 20 (Ban. ed. 106).]

ACT 2339.

To provide for the organization, incorporation and government of merged and consolidated cities and counties of more than one hundred thousand inhabitants. [Stats. 1880, p. 137.]

Unconstitutional. (Desmond v. Dunn, 55 Cal. 242.)

This act was what was known as the McClure charter.

ACT 2340.

To provide for the letting of contracts for lighting streets and public buildings in cities and towns in the state. [Stats. 1895, p. 191.]

Amended 1897, 210. Repealed 1903, 32.

Cal.Rep.Cit. 119, 81.

ACT 2341.

Providing for the planting and care of shade trees in municipalities. [Stats. 1893, p. 153.]

ACT 2342.

Conferring power upon the governing body of municipal corporations of the first class to provide for the erection of a municipal hospital. [Stats. 1897, p. 9.]

ACT 2343.

Providing for the establishment and maintenance of sewer districts adjacent to municipal corporations. [Stats. 1899, p. 81.]

ACT 2344.

Providing for the levy of a special tax for specific public improvements within municipalities. [Stats. 1901, p. 296.]

ACT 2345.

To authorize the licensing of bicycles, tricycles, and similar vehicles. [Stats. 1901, p. 324.]

ACT 2346.

To provide for the disposal of moneys raised by cities or towns for public improvement after the same has been completed and paid for. [Stats. 1899, p. 105.]

ACT 2347.

An act to provide for the classification of municipal corporations.

[Approved March 2, 1883. Stats. 1883, p. 24.]

Amended 1897, 218, 421; 1899, 141; 1901, 94.

Cal.Rep.Cit. 85, 847; 111, 104; 111, 105; 117, 574; 118, 403; 120, 392; 120, 394; 127, 159.

Classes described.

Section 1. All municipal corporations within the state are hereby classified as follows: Those having a population of more than two hundred thousand shall constitute the first class; those having a population of more than one hundred thousand and not exceeding two hundred thousand shall constitute the first and one-half class; those having a population of more than thirty thousand and not exceeding one hundred thousand shall constitute the second class; those having a population of more than fifteen thousand and not exceeding thirty thousand shall constitute the third class; those having a population of more than ten thousand and not exceeding fifteen thousand shall constitute the fourth class; those having a population of more than three thousand and not exceeding ten thousand shall constitute the fifth class; those having a

population of not exceeding three thousand shall constitute the sixth class. [Amendment became a law under constitutional provision without governor's approval March 5, 1901. Stats. 1901, p. 94. In effect immediately.]

Determination based on census.

Sec. 2. The census taken under the direction of the congress of the United States in the year eighteen hundred and eighty, and every ten years thereafter, shall be the basis upon which the respective populations of said municipal corporations shall be determined, unless a direct enumeration of the inhabitants thereof be made, as in this act provided, in which case such direct enumeration shall constitute such basis.

Question of reorganization.

Sec. 3. The council, board of trustees, or other legislative body of any municipal corporation, may at any time cause an enumeration of the inhabitants thereof to be made, and in such manner and under such regulations as such body may, by ordinance, direct. If upon such enumeration it shall appear that such municipal corporation contains a sufficient number of inhabitants to entitle it to reorganize under a higher or lower class, the common council, trustees, or other legislative body, shall, upon receiving a petition therefor, signed by not less than one-fifth of the qualified electors thereof, submit to the electors of such city or town, at the next general election to be held therein, the question whether such city or town shall reorganize under the laws relating to municipal corporations of the class to which such city or town may belong. And thereupon such proceedings shall be had and election held, as provided in the general law for the reorganization, incorporation, and government of municipal corporations. If a majority of the votes cast at such election shall be in favor of such reorganization, thereafter such officers shall be elected as are, or may be, and at the time prescribed by law for municipal corporations of the class having the population under which such reorganization is had, and from and after the qualification of such officers, such corporation shall belong to such class. Whenever the result of such enumeration shall have been declared by the council, board of trustees, or other governing body, and entered in the minutes of such body, thereupon the

number of such inhabitants so ascertained shall be deemed the number of the inhabitants of such city for all the purposes of this act, and for the purposes of legislation affecting municipalities. The clerk of the council, board of trustees, or other governing body of such city shall cause a certified copy of such minute order to be filed with the board of supervisors of the county wherein such city is situated. [Amendment approved March 20, 1899. Stats. 1899, p. 141.]

ACT 2348.**MUNICIPAL CORPORATION BILL.**

An act to provide for the organization, incorporation, and government of municipal corporations.

[Stats. 1883, p. 93.]

Amended 1885, 127, 124; 1887, 12; 1889, 871, 389; 1891, 21, 28, 54, 55, 114, 233; 1893, 299; 1895, 24, 159, 266; 1897, 89, 175, 183, 196, 403; 1899, 98; 1901, 12, 18, 70, 269, 293, 656; 1903, 40, 93, 135, 336.

Cal.Rep.Cit. 66, 656; 68, 143; 69, 151; 70, 464; 71, 208;
72, 167; 72, 169; 73, 85; 73, 86; 73, 312; 73, 313;
73, 622; 74, 26; 76, 451; 79, 354; 79, 358; 80, 227;
85, 51; 85, 345; 85, 346; 85, 349; 85, 595; 87, 231;
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182, 288; 185, 452; 187, 584.

AMD'T 1885.

Cal.Rep.Cit. 69, 610.

AMD'T 1889.

Cal.Rep.Cit. 91, 256; 95, 112; 99, 147; 104, 519; 104, 523;
107, 98; 107, 465; 107, 469; 113, 304; 119, 625; 119, 626;
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138, 244.

AMD'T 1891.

Cal.Rep.Cit. 118, 121; 129, 600.

AMD'T 1897.

Cal.Rep.Cit. 136, 148.

Unconstitutional as to the provisions in section 756, requiring courts to take judicial notice of ordinances (*City of Tulare v. Hevren*, 126 Cal. 226); also as to section 765 (*City of Tulare v. Hevren*), and as to section 870 (*Pasadena v. Stimson*, 91 Cal. 238).

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CHAPTER I.

ORGANIZATION OF MUNICIPAL CORPORATIONS.

City or town may incorporate.

Section 1. Any portion of a county containing not less than five hundred inhabitants, and not incorporated as a municipal corporation, may become incorporated under the provisions of this act, and when so incorporated, shall have the powers conferred, or that may be hereafter conferred, by law, upon municipal corporations of the class to which the same may belong.

Manner of proceeding in organizing a municipal corporation.

Sec. 2. A petition shall first be presented to the board of supervisors of such county, signed by at least fifty of the qualified electors of the county, residents within the limits of such proposed corporation, and the affidavit of three qualified electors residing within the proposed limits, filed with the petition, shall be prima facie evidence of the requisite number of signers. The petition shall set forth and particularly describe the proposed boundaries of such corporation, and state the number of inhabitants therein, as nearly as may be, and shall pray that the same may be incorporated under the provisions of this act. Such petition shall be presented at a regular meeting of such board, and shall be published for at least two weeks before the time at which the same is to be presented, in some newspaper printed and published in such county, together with a notice stating the time of the meeting at which the same will be presented. When such petition is presented, the board of supervisors shall hear the same, and may adjourn such hearing from time to time, not exceeding two months in all, and on the final hearing, shall make such changes in the proposed boundaries as they

may find to be proper and shall establish and define such boundaries, and shall ascertain and determine how many inhabitants reside within such boundaries; provided, that any changes made by said board of supervisors shall not include any territory outside of the boundaries described in such petition. The boundaries so established by the board of supervisors shall be the boundaries of such municipal corporation until by action, authorized by law for the annexation of additional territory to, or the taking of territory from, said municipal corporation, such boundaries shall be changed; provided, whenever it shall appear to the board of supervisors that the boundaries of any municipal corporation have been incorrectly described, the board shall direct the county surveyor to ascertain and report a description of the boundaries. The board of supervisors shall, at their first regular meeting after the filing of the report of the county surveyor, cause notice to be published in some newspaper published in the county, that the report will be acted upon at the next regular meeting of the board, and at said meeting the board shall ratify the report of the county surveyor, with such modifications as they shall deem necessary, and the boundaries so established shall be the legal boundaries of said municipal corporation. They shall then give notice of an election to be held in such proposed corporation for the purpose of determining whether the same shall become incorporated. Such notice shall particularly describe the boundaries so established, and shall state the name of such proposed corporation, and the number of inhabitants so ascertained to reside therein, and the same shall be published for at least two weeks prior to such election, in a newspaper printed and published within such boundaries, or posted for the same period in at least four public places therein. Such notice shall require the voters to cast ballots, which shall contain the words "For incorporation," or "Against incorporation," or words equivalent thereto, and also the names of persons voted for to fill the various elective municipal offices prescribed by law for municipal corporations of the class to which such proposed corporation will belong. [Amendment approved March 19, 1889, Stats. 1889, p. 371. In effect immediately.]

Election, how conducted.

Sec. 3. Such elections shall be conducted in accord-

ance with the general election laws of the state, and no person shall be entitled to vote thereat unless he shall be a qualified elector of the county, enrolled upon the great register thereof, and shall have resided within the limits of such proposed corporation for at least sixty days next preceding such election. The board of supervisors shall meet on the Monday next succeeding such election, and proceed to canvass the votes cast thereat; and if, upon such canvass, it appears that the majority of the votes cast are for the incorporation, the board shall, by an order entered upon their minutes, declare such territory duly incorporated as a municipal incorporation of the class to which the same shall belong, under the name and style of the city (or town, as the case may be) of — (naming it), and shall declare the person[s] receiving, respectively, the highest number of votes for such several offices to be duly elected to such offices. Said board shall cause a copy of such order, duly certified, to be filed in the office of secretary of state, and from and after the date of such filing, such incorporation shall be deemed complete, and such officers shall be entitled to enter immediately upon the duties of their respective offices, upon qualifying in accordance with law, and shall hold such offices respectively only until the next general municipal election to be held in such city or town, and until their successors are elected and qualified; and it shall not be necessary in any action, civil or criminal, to plead and prove the organization or existence of such corporation, and the courts shall take judicial cognizance thereof without proof. [Amendment approved March 19, 1889. Stats. 1889, p. 372. In effect immediately.]

How incorporated city or town may incorporate under this law.

Sec. 4. The common council, board of trustees, or other legislative body of any city and county, city, or town, organized or incorporated prior to the first day of January, eighteen hundred and eighty, at twelve o'clock, meridian, shall, upon receiving a petition therefor, signed by not less than one fifth of the qualified electors of such city and county, city or town, as shown by the vote cast at the last municipal election held therein, submit to the electors of such city and county, city, or town, at the next general

election to be held therein, the question whether such city and county, city, or town shall become organized under the general laws of the state relating to municipal corporations of the class to which such city and county, city, or town may belong. Notice that such question will be so submitted shall be given by publication in a newspaper printed and published in such city and county, city, or town; or if there be no newspaper printed and published therein, by printing and posting the same in at least four public places therein, including the place or places where such election is to be held. Such notice shall be so published or posted for at least four weeks prior to such election, and shall also be made a part of the general election notice. Such notice shall distinctly state the proposition to be so submitted, and shall designate the class to which such corporation belongs, and shall invite the electors thereof to vote upon such proposition by placing upon their ballots the words "For reorganization," or "Against reorganization," or words equivalent thereto. The votes so cast shall be canvassed at the time and in the manner in which the other votes cast at such election are canvassed. If, upon such canvass, a majority of all the electors voting at such election shall be found to have voted for such reorganization, the said council, board, or other legislative body shall, by an order entered upon their minutes, cause their clerk, or other officer performing the duties of clerk, to make and transmit to the secretary of state a certified abstract of such vote; which abstract shall show the whole number of electors voting at such election, the number of votes cast for reorganization, and the number of votes cast against reorganization. Said council, board, or other legislative body shall immediately thereafter call a special election for the election of the officers required by law to be elected in corporations of the class to which such city and county, city, or town shall belong, which election shall be held within six weeks thereafter. Such election shall be held in all respects in the manner prescribed, or that may hereafter be prescribed, by law for municipal elections in corporations of such class, and shall be canvassed by the council, board, or other legislative body calling the same, who shall immediately declare the result thereof, and cause the same to be entered upon their journal. From and after the date of such

entry, such corporation shall be deemed to be organized under such general laws, under the name and style of the city and county (or city or town as the case may be) of — (naming it), with the powers conferred, or that may hereafter be conferred, by law upon municipal corporations of the class to which the same may belong; and the officers elected at such election shall be entitled immediately to enter upon the duties of their respective offices, upon qualifying in accordance with law, and shall hold such offices, respectively, only until the next general municipal election to be held in such city and county, city, or town, and until their successors are elected and qualified.

Effect of reincorporation.

Sec. 5. Any city and county, city or town organized under the provisions of section four of this act shall, for all purposes, be deemed and taken to be in law the identical corporation theretofore incorporated and existing; and such reorganization shall in no wise affect or impair the title to any property owned or held by such corporation, or in trust therefor, or any debts, demands, liabilities, or obligations existing in favor of or against such corporation, or any proceeding then pending; nor shall the same operate to repeal or affect in any manner any ordinance theretofore passed or adopted and remaining unrepealed, or, to discharge any person from any liability, civil or criminal, then existing, for any violation of any such ordinance; but such ordinances, so far as the same are not in conflict with such general laws, shall be and remain in force until repealed or amended by competent authority; provided, that proceedings theretofore commenced shall, after such reorganization, be conducted in accordance with the provisions of such general laws.

Duty of outgoing officers.

Sec. 6. As soon as the officers elected under the provisions of either section three or section four of this act shall have qualified in accordance with law, all persons, if any, then in possession of the offices of such corporation, shall immediately quit and surrender up the possession of such offices and shall deliver to the officers so elected all moneys, books, papers, or other things in their

official custody, and all property of such corporation in their hands, notwithstanding that the terms of office for which they were respectively elected or appointed may not then have expired; and all officers, boards, and persons holding any property in trust for any public use, the administration of which use is vested by such general laws in such corporation, or in any of its officers, shall, upon demand from such corporation or such officers, convey such property to such corporation or such officers, by good and sufficient deeds of conveyance, in trust for such public use.

Boundary, how changed.

Sec. 7. The boundaries of any municipal corporation may be altered, and new territory included therein, after proceedings had as required in this section. The council, board of trustees, or other legislative body of such corporation shall, upon receiving a petition therefor, signed by not less than one fifth of the qualified electors thereof, as shown by the vote cast at the last municipal election held therein, submit to the electors of such corporation, and to the electors residing in the territory proposed by such petition to be annexed to such corporation, the question whether such territory shall be annexed to such corporation and become a part thereof. Such question shall be submitted at a special election, to be held for that purpose, and such legislative body shall give notice thereof by publication in a newspaper printed and published in such corporation, and also in a newspaper printed and published outside of such corporation, and in the county in which such territory so proposed to be annexed is situated, in both cases for a period of four weeks prior to such election. Such notice shall distinctly state the proposition to be so submitted, and shall designate specifically the boundaries of the territory so proposed to be annexed; and the electors shall be invited thereby to vote upon such proposition, by placing upon their ballots the words "For annexation," or "Against annexation," or words equivalent thereto. Such legislative body shall also designate the place or places at which the polls will be opened in such territory so proposed to be annexed, which place or places shall be that or those usually used for that purpose within such territory, if any such there be. Such legislative body

shall also appoint and designate in such notice the names of the officers of election. Such legislative body shall meet on the Monday next succeeding the day of such election, and proceed to canvass the votes cast thereat. The votes cast in such territory so proposed to be annexed shall be canvassed separately, and if it shall appear upon such canvass that a majority of all the votes cast in such territory and a majority of all the votes cast in such corporation shall be for annexation, such legislative body shall, by an order entered upon their minutes, cause their clerk, or other officer performing the duties of clerk, to make and transmit to the secretary of state a certified abstract of such vote; which abstract shall show the whole number of electors voting in such territory, the whole number of electors voting in such corporation, the number of votes cast in each for annexation, and the number of votes cast in each against annexation. From and after the date of the filing of such abstract, such annexation shall be deemed complete, and thereafter such territory shall be and remain a part of such corporation; provided, that no property within such territory so annexed shall ever be taxed to pay any portion of any indebtedness of such corporation, contracted prior to or existing at the date of such annexation. If the territory so proposed to be annexed consists, in whole or in part, of any municipal corporation, or part thereof, such territory shall not be annexed under the provisions of this section.

Municipal corporations, how consolidated.

Sec. 8. Two or more contiguous municipal corporations may become consolidated into one corporation after proceedings had as required in this section. The council, board of trustees, or other legislative body of either of such corporations shall, upon receiving a petition therefor, signed by not less than one-fifth of the qualified electors of each of such corporations, as shown by the votes cast at the last municipal election held in each of such corporations, submit to the electors of each of such corporations the question whether such corporations shall become consolidated into one corporation. Such legislative body shall designate a day upon which a special election shall be held in each of such corporations to determine whether such consolidation shall be effected, and shall

give written notice thereof to the council, board of trustees, or other legislative body of each of the other of such corporations, which notice shall designate the name of the proposed new corporation. It shall thereupon be the duty of such legislative body of each of the corporations so proposed to be consolidated to give notice of such election, by publication in a newspaper printed and published in such corporation, for a period of four weeks prior to such election. Such notice shall distinctly state the proposition to be so submitted, the name of the corporations so proposed to be consolidated, the name of the proposed new corporation, and the class to which such proposed new corporation will belong; and shall invite the electors to vote upon such proposition by placing upon their ballots the words "For consolidation," or "Against consolidation," or words equivalent thereto. The legislative bodies of each of such corporations shall meet in joint convention at the usual place of meeting of the legislative body of that one of such corporations having the greatest population, as shown by the last federal census, on the Monday next succeeding the day of such election, and proceed to canvass the votes cast thereat. The votes cast in each of such corporations shall be canvassed separately; and if it shall appear upon such canvass that a majority of the votes cast in each of such corporations shall be for consolidation, such joint convention, by an order entered upon their minutes, shall cause the clerk, or other officer performing the duties of clerk, of the legislative body at whose place of meeting such joint convention is held, to make a certified abstract of such vote; which abstract shall show the whole number of electors voting at such election in each of such corporations, the number of votes cast in each for consolidation, and the number of votes cast in each against consolidation. Such abstract shall be recorded upon the minutes of the legislative body of each of such corporations; and immediately upon the record thereof, it shall be the duty of the clerk, or other officer performing the duties of clerk, of each of such legislative bodies to transmit to the secretary of state a certified copy of such abstract. Immediately after such filing, the legislative body of that one of such corporations having the greatest population, as shown by

the last federal census, shall call a special election, to be held in such new corporation for the election of the officers required by law to be elected in corporations of the class to which such new corporation shall belong, which election shall be held within six months thereafter. Such election shall be called and conducted in all respects in the manner prescribed, or that may hereafter be prescribed, by law for municipal elections in corporations of such class, and shall be canvassed by the legislative body so calling the same, who shall immediately declare the result thereof, and cause the same to be entered upon their journal. From and after the date of such entry, such corporations shall be deemed to be consolidated into one corporation, under the name and style of the city and county (or city or town as the case may be) of — (naming it), with the powers conferred, or that may hereafter be conferred, by law upon municipal corporations of the class to which the same shall so belong; and the officers elected at such election shall be entitled immediately to enter upon the duties of their respective offices, upon qualifying in accordance with law, and shall hold such offices, respectively, only until the next general municipal election to be held in such city and county, city, or town, and until their successors are elected and qualified. All the provisions of sections five and six of this act shall apply to such corporation and to the officers thereof; provided, that no property within either of the former corporations so consolidated shall ever be taxed to pay any portion of any indebtedness of either of the other of such former corporations contracted prior to or existing at the date of such consolidation.

CHAPTER II.

MUNICIPAL CORPORATIONS OF THE FIRST CLASS, (Cities having a population of more than 100,000.)

ARTICLE I.—GENERAL POWERS.

First Class.

Sec. 19. Every municipal corporation of the first class shall be entitled the city and county of —, or the city of — (naming it), as the case may be, and by such name shall have perpetual succession, may sue and be sued in

all courts and places, and in all proceedings whatever; shall have and use a common seal, alterable at the pleasure of the city authorities, and may purchase, lease, receive, hold, and enjoy real and personal property, and control and dispose of the same for the common benefit.

ARTICLE II.—GENERAL PROVISIONS RELATING TO OFFICERS.

Names, numbers, and terms of officers.

Sec. 20. There shall be elected by the qualified voters of such city, or city and county, at the general state election to be held on the first Tuesday after the first Monday of the month of November in each even-numbered year, the following officers, viz: A mayor, sheriff, auditor, tax collector, treasurer, county clerk, recorder, district attorney, city or city and county attorney, coroner, surveyor, superintendent of streets, twelve school directors, six justices of the peace, public administrator, and two police judges, who shall hold office for two years. The terms of such officers shall commence on the first Monday after the first day of January next following their election. Also, twelve aldermen, in the manner, and who shall hold office, as provided in section forty-one of this chapter, and twelve assistant aldermen, who shall hold office as provided in section forty-three of this chapter.

What offices kept open.

Sec. 21. The mayor, sheriff, county clerk, county recorder, treasurer, district attorney, auditor, tax collector, assessor, city or city and county attorney, superintendent of streets, and surveyor shall keep public offices, which shall be kept open for the transaction of business every day in the year except Sundays, Christmas, New Year's, Fourth of July, Thanksgiving, the twenty-second of February, and on any days during which a general election shall be held, between the hours of nine o'clock A. M. and five o'clock P. M.

Manner of filling vacancies.

Sec. 22. Whenever vacancies occur in any of the elective offices of such city, or city and county, and provision is not otherwise made in this or some other act for filling the same, the mayor shall appoint, subject to the confirmation of the board of aldermen, a person to discharge the

duties of such office until the next election, when the vacancy shall be filled by election for the unexpired term. All persons so appointed shall, before entering upon their duties, take the oath of office, and give bonds as required by law.

What fees paid out of treasury.

Sec. 23. No fees or compensation to be paid out of the treasury, other than those expressly allowed in this chapter, shall be allowed or received by any officer of such city, or city and county, or of any district, or other subdivision thereof; nor shall any allowance or provision be made for them, or any of them, at the public expense beyond the fixed compensation herein provided under the name of office rent, fuel, lights, stationery, contingencies, extra services, or otherwise, except the compensation or percentage allowed to the tax collector and to the assessor in the collection of poll-taxes, and except that the necessary and proper books, stationery, and official blanks may, at the discretion of the municipal council, be purchased and supplied for all the courts of such city, or city and county, its officers, municipal council, and other boards, and officers, the expense whereof, when the amount in each particular case shall have been previously authorized and fixed by the municipal council, may be paid out of the general fund, upon demand upon the treasury duly audited, as in this chapter provided.

Bonds, how given.

Sec. 24. All officers of such city, or city and county, must, before they can enter upon their official duties, give a bond as required by law. The bonds and sureties of such officers must be approved by the president of the board of aldermen, auditor, and a judge of the superior court, in and for such city and county, or in and for the county in which such city may be situated. When the amount of such official bond is not fixed by law, it shall be fixed by the municipal council. No banker residing or doing business in such city, or city and county, nor any such banker's partner, clerk, employee, agent, attorney, father, or brother, shall be received as surety for the treasurer, mayor, sheriff, auditor, or any officer having the collection, custody, or disbursement of money. No person can be admitted as surety on any such bond unless he be worth, in

fixed property, including mortgages, situated in such city, or city and county, the amount of his undertaking over and above all sums for which he is already liable, or in any manner bound, whether as principal, indorser, or security, or whether such prior obligation or liability be conditional or absolute, liquidated, or unliquidated, certain or contingent, due or to become due. All persons offered as sureties on official bonds must be examined on oath touching their qualifications. The official bond of the auditor shall be filed and kept in the office of the clerk of such city, or city and county. All other official bonds shall be filed and kept in the office of the auditor; provided that the bonds and sureties of the mayor must be approved by the chairman of the house of assistant aldermen, auditor, and a judge of the superior court in and for such city and county, or in and for the county in which such city may be situated; and that the bonds and sureties of the auditor must be approved by the president of the board of aldermen, the chairman of the house of assistant aldermen, and a judge of the superior court in and for such city and county, or in and for the county in which such city may be situated.

Compensation.

Sec. 25. The compensation or salary of any officer provided for in this chapter shall not be increased or reduced after his election or during his term of office.

Salaries.

Sec. 26. The salaries of the officers, clerks, deputies, or employees of such city and county, except as otherwise in this chapter provided, shall be as follows, and payable in monthly installments at the end of each and every month, viz:

Mayor and clerk.

1. The salary of the mayor shall be four thousand dollars per annum; he may appoint a clerk, to be known as the mayor's clerk, whose salary shall be one thousand eight hundred dollars per annum.

Sheriff, deputies, attorney, etc.

2. The salary of the sheriff shall be six thousand dollars per annum; he may appoint one under-sheriff, whose salary

shall be two thousand four hundred dollars per annum; one book-keeper, whose salary shall be two thousand four hundred dollars per annum; he may appoint twenty-five deputies, each of whom shall receive a salary of one thousand six hundred dollars per annum, one of which said deputies shall be assigned to and perform the duties of assistant book-keeper; sixteen deputies, whose salaries shall be one thousand five hundred dollars per annum; one counsel, who shall be an attorney of the supreme court of the state, whose salary shall be one thousand eight hundred dollars per annum; one matron, whose salary shall be nine hundred dollars per annum; one driver of prison wagon, whose salary shall be nine hundred dollars per annum.

Auditor and deputies.

3. The salary of the auditor shall be four thousand dollars per annum; he may appoint one deputy, whose salary shall be two thousand four hundred dollars per annum; and two clerks at a salary of one thousand six hundred dollars per annum each.

Treasurer and deputies.

4. The salary of the treasurer shall be four thousand dollars per annum; he may appoint one chief deputy, whose salary shall be two thousand four hundred dollars per annum, and one deputy, whose salary shall be two thousand one hundred dollars per annum.

Tax collector, deputies, etc.

5. The salary of the tax collector shall be four thousand dollars per annum; he may appoint one chief deputy, one cashier, each of whom shall receive a salary of two thousand dollars per annum, and ten permanent deputies, whose salary shall be one thousand six hundred dollars per annum each.

Assessor, deputies, etc.

6. The salary of the assessor shall be four thousand dollars per annum; he may appoint one chief office deputy, one chief field deputy, and one head draughtsman, each of whom shall receive a salary of two thousand dollars per annum; an assistant draughtsman, who shall receive a salary of one thousand eight hundred dollars per annum;

and eleven office deputies, each of whom shall receive a salary of one thousand eight hundred dollars per annum. He may also appoint such additional deputies as may be allowed by the municipal council, at salaries not to exceed five dollars per day, each, for such time as they may be employed.

Recorder, deputies, etc.

7. The salary of the recorder shall be three thousand dollars per annum; he may appoint one chief deputy, whose salary shall be two thousand four hundred dollars per annum, and two deputies, each of whom shall receive a salary of one thousand eight hundred dollars per annum; also, two porters, who shall perform the duties of watchmen; each of whom shall receive a salary of nine hundred dollars per annum.

County clerk, deputies, etc.

8. The salary of the county clerk shall be four thousand dollars per annum; he may appoint deputies as follows: one chief deputy, whose salary shall be two thousand four hundred dollars per annum; twelve courtroom clerks, twelve registry clerks, each of whom shall receive a salary of one thousand eight hundred dollars per annum; twelve assistant registry clerks, each of whom shall receive a salary of one thousand five hundred dollars per annum; and twelve copyists, each of whom shall receive a salary of one thousand six hundred dollars per annum; and such county clerk, when the exigencies of his office shall require, may, in his discretion, employ such additional copyists as shall be necessary, at a compensation not to exceed three dollars per day for the days of actual service; provided, said number shall not exceed at any one time three copyists for each judge of the superior court, to be paid from the treasury in the same manner as the salaries herein provided for are to be paid.

District attorney, assistants, etc.

9. The salary of the district attorney shall be five thousand dollars per annum; he may appoint two assistants, who shall be attorneys of the supreme court of this state, each of whom shall receive a salary of two thousand four hundred dollars per annum, and two clerks, who shall be attorneys of the supreme court of the state, each of whom

shall receive a salary of one thousand five hundred dollars per annum.

City and county attorney and assistants.

10. The salary of the city, or city and county, attorney shall be four thousand dollars per annum; he may appoint two assistants, who shall be attorneys of the supreme court of this state, each of whom shall receive a salary of two thousand four hundred dollars per annum; and one copyist, who shall receive a salary of nine hundred dollars per annum.

Coroner and deputies.

11. The salary of the coroner shall be three thousand dollars per annum; he may appoint two deputies, one to act as first deputy, whose salary shall be one thousand six hundred dollars per annum, the other to act as second deputy and whose salary shall be one thousand five hundred dollars per annum; and one messenger, to take charge of the dead-wagon, and perform such other duties as are required by the coroner or his deputies. The salary of the messenger shall be nine hundred dollars per annum.

Superintendent of streets and deputies.

12. The salary of superintendent of streets shall be four thousand dollars per annum; he may appoint twenty deputies; three of said deputies shall receive a salary of two hundred dollars per month each, and seven of said deputies shall receive a salary of one hundred and fifty dollars per month each, and ten of said deputies shall receive a salary of one hundred and twenty-five dollars per month each.

Surveyor.

13. The salary of the city, or city and county, surveyor, shall be four thousand dollars per annum; he may appoint as many deputies, not to exceed four, as the municipal council shall from time to time determine are necessary, who shall receive such compensation as such municipal council shall provide, not to exceed the sum of five dollars per day when actually employed.

Superintendent of schools.

14. The salary of the superintendent of schools shall be three thousand dollars per annum.

Police judge.

15. The salary of each of the police judges shall be four thousand dollars per annum.

Prosecuting attorney.

16. The salary of the prosecuting attorney of the police court shall be twenty-four hundred dollars per annum; and his two assistants shall each receive a salary of one thousand five hundred dollars per annum.

Justices of the peace.

17. The salary of the presiding justice of the justices' court shall be three thousand dollars per annum; and each of the other justices of the peace shall receive a salary of two thousand four hundred dollars per annum.

Clerk of the justices' court.

18. The salary of the clerk of the justices' court shall be two thousand four hundred dollars per annum; his two deputies shall receive a salary of one thousand two hundred dollars per annum.

Collector of licenses.

19. The salary of the collector of licenses shall be three thousand dollars per annum. He may appoint one chief deputy, who shall receive one thousand eight hundred dollars per annum, and twelve deputies, who shall receive a salary of one thousand five hundred dollars per annum each.

Officers not to be interested in contracts, etc.

Sec. 27. Any officer or commissioner of such city, or city and county, or any officer or member of any house, board, or department of the government thereof, who shall be directly or indirectly interested in, or a beneficiary or participant of, the profits of any contract made with or for such city, or city and county, or any board or department thereof, or who shall participate in the profits made by any person or persons upon services, labor, purchases, sales, subsistence, supplies, materials, or any article or thing furnished to or done for such city, or city and county, or any institution, public work, or branch, or department of the government thereof, or sold by the same, which contract, profit, purchase, sale, or supply

is made, or could have been made, influenced, or brought about, through or by means of the official action or conduct of such officer, commissioner, or member of such board, except the official salary or compensation of such officer, commissioner, or member of such board or department provided expressly by law, shall be deemed guilty of a felony, and, on conviction by any court of competent jurisdiction, punished accordingly. Any commissioner, officer, clerk, or other person having custody of or access to any bids or proposals, whether sealed or otherwise, for supplying or furnishing any goods, provisions, subsistence, labor, material, printing, or other thing of any nature, or constructing, cleaning, repairing any work or thing, or doing or furnishing anything whatsoever to such city and county, or any department, board, commissioner, or officer thereof, who shall open or examine into any one or more of such bids, proposals, or change, interline, alter, or otherwise tamper with the same, or shall purposely find out the contents thereof, or who shall aid, abet, assist, or permit another so to do, before or in advance of the time prescribed by law for the opening thereof, or any lawful postponement of such time, shall be deemed guilty of a felony, and, on conviction by any court of competent jurisdiction, shall be punished accordingly.

Questions of difference, how settled.

Sec. 28. All questions of differences between the officers of such city, or city and county, as to their relative duties, may be referred by either of them to the city, or city and county, attorney, who shall examine and determine such questions, and his decision shall be final as between such officers.

Reports of officers.

Sec. 29. The following officers, and the heads of the following departments of such city, or city and county, shall report to the municipal council on or before the first day of August of each year the condition of their respective departments during the fiscal year ending June thirtieth previous thereto, embracing all their operations and expenditures: Auditor, assessor, tax collector, county clerk, superintendent of streets, fire department, hospital, almshouse, park commissioners, treasurer, sheriff, county

recorder, city, or city and county surveyor, license collector, public schools, fire-alarm and police telegraph, pound-keeper, board of health, city or city and county attorney, industrial school, police, coroner, health officer, justices' court, city-hall commissioners, home for the care of the inebriate, board of election directors, commissioner of elections, house of correction, city cemetery, free public library, and the building committee of the municipal council. Immediately after the first Monday in February, the mayor and municipal council shall make up and publish an extract from these several reports and other sources, of the operations, expenditures, and condition of all departments of government of such city, or city and county.

ARTICLE III.—LEGISLATIVE DEPARTMENT.

Legislative power, how vested.

Sec. 40. The legislative power of such city, or city and county, shall be vested in a body to be styled the "municipal council," which shall be composed of two boards or houses of legislation, one to be called the "board of aldermen," and the other the "house of assistant aldermen."

Board of aldermen, how elected.

Sec. 41. The board of aldermen shall consist of twelve persons, to be elected by general ticket, from the city, or city and county, at large, the members of which shall hold office for the term of four years, to commence on the first Monday after the first day of January next following their election, except that of the aldermen, who are elected at the first election under this chapter; the six receiving the smallest number of votes shall hold their office for two years only; so that thereafter only six shall be elected every two years. In case of a tie vote at such first election, the question of which aldermen shall hold the full and which the short term shall be determined between the candidates so tied by lot. The aldermen shall receive each a salary of one thousand two hundred dollars a year, payable in monthly installments, out of the general fund.

Secretary.

Sec. 42. The board of aldermen shall appoint a secretary, with a salary not to exceed two hundred dollars a month, who shall keep the records of said board. He

shall hold office during the pleasure of the board. He shall have power to administer oaths and affirmations in all cases, and to certify and authenticate copies of all records, papers, and documents in his official custody, and shall perform any other services required by the board.

Assistant aldermen.

Sec. 43. The house of assistant aldermen shall consist of twelve persons, to be elected every two years, one each by the qualified electors of the respective wards, into twelve of which such city, or city and county, shall be divided for such purpose. The assistant aldermen shall hold office for the term of two years, to commence on the first Monday after the first day of January next following their election, and shall receive each a salary of one thousand two hundred dollars a year, payable monthly out of the general fund.

Salary of clerk.

Sec. 44. The house of assistant aldermen may appoint a clerk, who shall keep their records, and hold office during their pleasure. He shall have a salary not to exceed two hundred dollars a month; shall have power to administer oaths and affirmations, and to certify and authenticate all records, documents, and papers in his official custody. He shall perform any other service required of him by the house.

Vacancy, how filled.

Sec. 45. Any vacancy occurring in either board shall be filled by the mayor; and the person appointed to fill such vacancy shall hold office till the next election by the people, and until his successor is qualified.

Qualification.

Sec. 46. Every member of the board of aldermen shall be a qualified voter, at least twenty-five years of age, and shall have been a citizen of the United States and of this state, and a resident of such city, or city and county, for three years next before his election or appointment.

Qualification.

Sec. 47. Every member of the house of assistant aldermen shall be a qualified voter, at least twenty-five years of age, shall have been a citizen of the United States and

of this state, and a resident of such city, or city and county, at least two years, and of the ward from which he is elected or appointed at least one year next before his election or appointment.

Qualification.

Sec. 48. Every member of either branch of the municipal council shall, at all times during his incumbency of said office, possess the following qualifications: He shall not be, directly or indirectly, interested in any contract with such city, or city and county, or any department or institution thereof. He shall not have been convicted of malfeasance in office, bribery, or other corrupt practices or crimes. Any member who fails to possess, or who shall at any time during his term of office cease to possess, any of the qualifications mentioned in this act as a qualification shall thereby forfeit his seat in the board or house to which he belongs, and the vacancy shall be filled as in other cases. If any member of either branch absent himself from the state, or neglect to attend the meeting of the board or house to which he belongs, for a period of thirty days, his office shall be declared vacant by said board, and a successor must be appointed, to hold till the next election by the people, as provided in other cases.

Rules of houses of aldermen.

Sec. 49. Each board or house shall elect its own officers, except as to the presiding officer of the board or aldermen. The mayor shall preside at all the sessions of the board of aldermen, without the right to vote. In his absence, during any session, the board shall appoint one of its members as president pro tempore, who shall, however, have the same right to vote as other members. Each house shall be the judge of the election returns and qualifications of its own members, and may determine the rules of its own proceedings, except as herein provided. Each house shall keep a record of its acts, and allow the same to be published, and the yeas and nays on any question shall, at the request of any member, be entered on the journal of the house; may arrest and punish by fine, not exceeding five hundred dollars, or imprisonment as provided by ordinance, not exceeding thirty days, or both, any person not a member who shall be guilty of disrespect to the board or house by disorderly or contemptuous be-

havior in its presence during its session; may punish its members for disorderly conduct, and, with the concurrence of two thirds of all the members elect, may expel a member.

Quorum.

Sec. 50. The house of assistant aldermen shall elect one of their own number presiding officer of said house, who shall be designated as the "chairman" thereof. A majority of the members of either house shall constitute a quorum to do business; and no regulation, resolution, ordinance, or order of either house can pass without the concurrence of a majority of all the members elected or appointed to such house; but a smaller number may adjourn from day to day, and may compel the attendance of absent members, in such manner and under such penalties as the house or board may provide.

Sessions shall be public.

Sec. 51. All sessions, acts, and resolutions of each house shall be public. Neither house shall, without the consent of the other, adjourn for more than seven days at any one time, nor to any other place than that in which the two houses may be sitting.

Not eligible to any other office.

Sec. 52. No member of the municipal council shall, during the time for which he is elected, be eligible or appointed to any other office under the city, or city and county, except such offices as may be filled by election by the people; nor shall any member, while such, be an employee of such city, or city and county, or any board or department thereof, or of either branch of the municipal council, in any capacity whatever; and no compensation shall be audited or paid for services as such officer or employee; and no act, ordinance, or resolutions shall ever be passed whereby any member of either house shall become the disbursing officer of such city, or city and county, or any board or department thereof, or pay out any of its money upon any pretense whatever.

Limitations on contracts.

Sec. 53. No member of the municipal council, or of the board of education, or any officer of such city, or city and county, or of any ward thereof, shall have any power to

contract any debt or liability whatsoever against such city, or city and county, nor shall the people, or taxpayers, or any property therein, ever be liable to be assessed for or on account of any debt or liability hereafter contracted, or attempted to be contracted, in contravention of this chapter.

Finance committee.

Sec. 54. The municipal council shall appoint a joint committee of five, three from the board of aldermen, and two from the house of assistant aldermen, to be denominated the "finance committee," which committee may at any time, and shall whenever required by the municipal council, or either branch thereof, investigate the transactions and accounts of any and all officers appertaining to the government of such city, or city and county, having the collection, custody, or disbursement of public money, or having the power to approve, allow, or audit demands on the treasurer, and report thereon to the municipal council. Said committee shall have full power to send for all persons and papers, and enter into, examine, inquire, and investigate all offices and places, to administer oaths and affirmations, to examine witnesses, and compel their attendance by subpoena and attachment for contempt, and the production of records, books, and papers, and may imprison in the city or county jail any person refusing to appear or testify, as well as any officer or person falling or refusing obedience to the orders to show records, papers, or books, or to testify when required so to do. The sheriff or any policeman of such city, or city and county, shall enforce all orders of said committee, and attend upon it in like manner as upon courts of record. The mayor may be present and participate in such investigations.

When municipal council shall meet.

Sec. 55. The municipal council shall meet on the first Monday after the first day of January, and on the first Mondays of April, July, and October of each year, and at such other times as required by law, and may be specially convoked by the mayor as herein provided.

Passage of ordinances.

Sec. 56. No ordinance shall be passed except by bill, and no bill shall be so amended in its passage as to change

its original object. No bill shall contain more than one subject, which shall be expressed by its title. On the final passage of all bills the vote shall be by "yeas" and "nays" upon each bill, separately, and the names of the members voting for and against the same shall be entered on the journal. Bills may originate in either house, and no bill shall be passed by either house except by a majority vote of all the members elected or appointed to either house.

Amendments, how concurred in.

Sec. 57. No amendments to bills by either house shall be concurred in by the other except by a vote of a majority of all the members elected or appointed thereto, taken by yeas and nays, and the names of those voting for and against recorded upon the journal thereof; and reports of committees of conference shall be adopted by either house only by the vote of a majority of all the members elected thereto, taken by "yeas" and "nays," and the names of those voting recorded upon the journals.

Re-enacting ordinances.

Sec. 58. No ordinance shall be revived, re-enacted, or amended, by mere reference to its title, but such ordinance or section shall [be] set forth at length, as if it revived, re-enacted, or amended.

Reconsideration.

Sec. 59. When a bill is put upon its final passage in either house, and failing to pass, a motion is made to reconsider the vote by which it was defeated, the vote upon such motion to reconsider shall be taken up, and the subject finally disposed of at the next meeting of the council, unless such house, by a two-thirds vote, decides to act upon such reconsideration at the same meeting.

Signing bills.

Sec. 60. No bill shall become an ordinance until the same shall have been signed by the presiding officer of each of the two houses in open session, in authentication of its adoption by such house. In signing such bill for authentication, the presiding officer shall call the attention of the house to the bill, and that he is about to sign it, and if any member request, the bill shall be read at

length for information as to its correctness as enrolled. If any member object that the bill is not the same in substance and form as when considered and passed by the house, such objection shall be passed upon, and if sustained, the presiding officer shall withhold his signature, and the bill shall then be corrected, and finally disposed of, and signed, before the house proceeds to any other business.

Appropriation bills.

Sec. 61. No general appropriation act or authorization shall ever be passed, but all appropriations shall be for the specific amount of the claim to be paid, and no more; and each ordinance or resolution authorizing the payment of money shall contain one claim only, which shall be expressed in the title. Every ordinance or resolution of the municipal council providing for any specific improvement, the granting of any privilege, or involving the lease or appropriation of public property, or the expenditures of public moneys, except for sums less than five hundred dollars, or levying tax or assessment, and every ordinance or resolution imposing a new duty or penalty, shall, after its introduction in either house, be published, with the "yeas" and "nays," in a newspaper doing the city and county printing, at least five successive days before final action upon the same by the house in which it was introduced; and in case such ordinance or resolution shall be amended before final passage in said house, then the bill as amended, shall be so published, in the same manner, before final action by such house thereon; and every such ordinance, after the same shall have passed both houses, shall, before it takes effect, be presented to the mayor for his approval. If he approves, he shall sign it; if not, he shall return it within ten days to the house in which the same originated, with his objections in writing. Said house shall then enter the objections on the journal, and publish them in the newspaper doing the city printing. At the next stated meeting thereafter, said house shall proceed to reconsider such bill. If, after such reconsideration, it again passes both houses by the votes of nine of the members elected or appointed to each house voting therefor, it shall become a law, notwithstanding the mayor's objections. Should any such ordinance or resolution not be returned

by the mayor within ten days after he receives it, it shall become valid, the same as if it had received his signature. Where a claim against the treasury amounts to more than five hundred dollars, it shall not be lawful to divide or break up the same into several sums of less than that amount so as to evade the provisions of this section concerning claims; and any effort or attempt to accomplish such unlawful division, or breaking up a claim, shall be deemed, as to every member of the municipal council or other officer consenting thereto, or aiding the same, a misdemeanor in office, and be cause for his removal. All ordinances authorizing the payment of any money out of the treasury, or any claim thereon, shall be referred to the appropriate standing committee of the house where the bill is introduced, who shall present the same to the auditor, in order that he may certify that there is sufficient money in the proper fund out of which such claim can lawfully be paid, and that such appropriation can be made without violating the provisions of this chapter; and until the auditor certifies in writing, signed by his name, that there is sufficient money in the proper fund, and that the authorization can be made without violating the provisions of this chapter, no further proceedings shall be had with such bill. It shall be the duty of the auditor, with reasonable promptness, to ascertain the facts, and to give the certificate when the facts warrant him in doing so, and not otherwise.

Powers.

Sec. 62. The powers of the municipal council, and all other boards, commissioners, and officers, are those specially named in this chapter, and they are prohibited from exercising any other.

Enacting clause.

Sec. 63. The enacting clause of ordinances shall be in the following terms: "The municipal council of the city and county of —, or city of — (as the case may be), hereby ordains as follows."

Further powers.

Sec. 64. The municipal council shall further have power by regulation or ordinance:

Selling and leasing property.

1. To provide for the security, custody, and administration of all property of such city, or city and county, and to purchase land required for municipal purposes without any power to sell or incumber the same, or lease any part thereof for more than three years; except, however, that such personal property belonging to the fire, street, or other departments, as they deem unsuited to the uses and purposes for which the same was designed, or so much worn and dilapidated as not to be worth repairing, may be sold or exchanged.

Opening streets.

2. To provide for cases omitted in this chapter, and in conformity with the principles adopted in it, for opening, altering, extending, constructing, repairing, or otherwise improving public streets and highways at the expense of the property benefited thereby, without any recourse in any event upon such city, or city and county, or the public treasury, for any portion of the expense of such work, or any delinquency of the property-holders or owners.

Lighting streets.

3. To provide for lighting the streets. But no contract for lighting streets or public buildings shall ever be made for more than one year in duration; nor shall any contract to pay more for gas or other illuminating material than is legally charged to ordinary consumers, or than the usual market rates, be valid.

To provide water.

4. To provide water for all municipal purposes, and to pay for the same where lawful and necessary. In case water is supplied to such city, or city and county, for municipal purposes, any person, corporation, or association holding a valid franchise under the laws of this state to collect water rates for the use of water, then such city, or city and county, when it is lawful and necessary, shall pay the lawful rates, and no more, as established each year for water supplied for other than municipal purposes; and it shall not be lawful to make any special contract with such person, corporation, or association for water so as to vary from the rates fixed by law.

To regulate markets.

5. To regulate market-houses and market-places.

Regulating public grounds.

6. To provide for inclosing, improving, and regulating all public grounds of such city, or city and county.

Establish fire limits, etc.

7. To prohibit the erection of wooden buildings or structures within any fixed limits where the streets have been established and graded, or ordered to be graded, or to restrict and limit the height of such buildings or structures; to regulate the sale, storage, and use of gunpowder, and to restrict the limits within which may be manufactured or kept giant-powder, dynamite, nitro-glycerine, or other explosive or combustible materials and substances, and the maintenance of acid-works; and make all useful regulations in relation to the manufacture, storage, and transportation of all such substances, and the maintenance of acid-works, slaughter-houses, brick-burning, tanneries, and all other manufactures and works of every description that may jeopardize the public safety, and to exclude them from the city, or city and county, when necessary, or to restrict them, or any of them, to a district. To make all necessary regulations for protection against fire, as well as such rules and regulations concerning the erection and use of buildings as may be necessary for the safety of the inhabitants.

To permit laying down railroad tracks.

8. To permit the laying down of railroad tracks and the running of cars thereon along any street, or portion of street, for the sole purpose of excavating and filling in a street, or a portion of a street, or adjoining lots, and for such limited time as may be necessary for the purpose aforesaid, and no longer.

Fix penalties.

9. To determine the fines, forfeitures, and penalties that shall be incurred for the breach of regulations established by the said municipal council, and also for a violation of the provisions of this chapter, where no penalty is affixed thereto or provided by law; but no penalty to be imposed shall exceed the amount of one thousand dollars, or six

months' imprisonment, or both. And every violation of any lawful order or regulation, or ordinances of the municipal council, is hereby declared a misdemeanor or public offense, and all prosecutions for the same shall be in the name of the people of the state of California.

Employment of prisoners.

10. To regulate and provide for the employment of prisoners sentenced to labor on the public works of such city, or city and county, and to maintain and regulate city, or city and county, jails and prisons, with manufacturing or other laboring establishments, or appliances connected therewith.

To provide certain offices.

11. To provide a suitable office and jury-room, and dead-house or morgue, with the furniture necessary to enable the coroner to efficiently discharge the duties of his office, and to make the necessary appropriation therefor; and to audit and pay for the necessary expenses of maintaining the morgue and offices attached, such sum as may be necessary, not to exceed seventy-five dollars per month, out of the general fund.

Regulate home of inebriate.

12. To maintain and regulate a home of the inebriate, in its discretion.

City prison.

13. To provide and maintain a city prison.

Improve cemeteries.

14. To maintain and improve the city cemeteries, and to pay out of the general fund a keeper thereof, to be appointed by the board of health, at a salary not to exceed one hundred dollars a month.

Grant licenses.

15. To license and regulate hackney-carriages and other public passenger vehicles, and to fix the rates to be charged for the transportation of persons, baggage, goods, merchandise, and property, or either, thereon; and to license and regulate all vehicles used for the conveyance of merchandise, earth, and ballast, or either; and also to license and regulate persons and parties employed in conveying

baggage, property, and merchandise, or either, to or from any of the wharves, slips, bulkheads, or railroad stations within the limits of such city, or city and county; to fix and establish the amount of every license paid into the city, or city and county, treasury for city, or city and county, purposes; to provide for the summary removal and disposition of any or all vehicles found in the streets, highways, and public squares during certain hours of the day or night, to be designated by the council; and, in addition to all other remedies, to provide by regulation for the sale or other disposition of such vehicles; to protect the public from injury by runaways, by punishing persons who negligently leave horses or carriages in the street; to prescribe the width of the tires of all drays, trucks, and carts, in accordance with the weight to be carried thereby, for the preservation of the streets and highways.

Grant licenses.

16. To regulate, license, and control the business of keeping intelligence offices, prescribe the method of conducting said business, and to enforce, by fines and penalties, the payment of the license, and any violation of the regulation touching said business. To license and regulate pawnbrokers, and to enact regulations to protect the public in dealing with them.

Fix fees.

17. To fix the fees and charges to be collected by the surveyor of such city, or city and county, for certificates of surveys for buildings or other purposes, and to provide for a sufficient corps of deputy surveyors to perform such work, to be paid from such fees only; also, to regulate the fees to be charged by the superintendent of streets, the county recorder, and any and all other municipal officers where their fees are not otherwise fixed by law, and compel the payment of all such fees and charges into the city and county treasury into the proper fund, in accordance with the provisions of this act.

Enforce collection of certain moneys.

18. To license and regulate, for the purposes of city, or city and county, revenue, all such callings, trades, and employments as the public good may require to be licensed

and regulated, and as are not prohibited by law; to provide for and enforce, with penalties or otherwise, the collection and due payment into the city, or city and county, treasury of all moneys so due or raised, and to make all needful rules and regulations to govern the official conduct and duties of the collector of licenses.

Construction of hydrants.

19. To provide and pay for the construction and repair of hydrants, fire plugs, cisterns, and pumps in the streets.

Pay for celebrating.

20. To allow and order paid out of the general fund a sum not to exceed three thousand dollars in any year, for the celebration in such city, or city and county, of the anniversary of our national independence.

Election expenses.

21. To allow and order paid out of the general fund for the election expenses of such city, or city and county, not to exceed forty dollars for each election precinct for each election in said city, or city and county.

Prosecute claims.

22. To provide ways and means for the prosecution of the claims of such city, or city and county, to any land or other property or right claimed by such municipality.

Appoint weigher of coal.

23. To provide for the appointment by the mayor for a weigher of coal, without salary, and to regulate and define his duties, and establish rates of charges to be collected from persons requiring his services, and for his compensation from such rates and charges alone, and with no claim upon such city, or city and county.

Abatement of nuisances.

24. To authorize and direct the summary abatement of nuisances; to make all regulations which may be necessary or expedient for the preservation of the public health and the prevention of contagious diseases; to provide fines and penalties against individuals who may be guilty of maintaining any nuisances, and enforcing the same until such nuisance be removed or abated; to provide by regu-

lation for the prevention and summary removal of all nuisances and obstructions in the streets, alleys, highways, and public grounds of such city, or city and county, and to prevent or regulate the running at large of dogs, and to authorize the destruction of the same when at large contrary to ordinance.

Regulate or prohibit houses of ill-fame.

25. To prohibit, suppress, regulate, or exclude from certain limits all houses of ill-fame, prostitution, and gaming; to prohibit, suppress, regulate, or exclude from certain limits all occupations, houses, places, pastimes, amusements, exhibitions, and practices which are against good morals, contrary to public order and decency, or dangerous to the public safety.

Regulate manner of street work.

26. To require, by ordinance, all contractors for street work, or other persons lawfully undertaking to improve, grade, or alter streets or public highways, to erect fences or barriers, to keep lights at night, and to take other necessary precautions to protect the public from damage, loss, or accident by reason of such grading, alteration, or improvement, and to fix and prescribe penalties for the violation of the provisions of such ordinance.

Safe-keeping of lost property.

27. To provide for the safe-keeping and disposition of lost, stolen, or unclaimed property of every kind, which may at any time be in the possession or under the control of the police of such city, or city and county.

Suppress public demonstrations.

28. To regulate, and when necessary to suppress, all public demonstrations and processions which interfere with public traffic.

Regulation of fire department.

29. To appoint a fire marshal. Such appointment shall be made on the nomination of the board of fire underwriters of such city, or city and county, if such board shall exist therein. If more than one such board shall exist therein, then upon the nomination of the board which shall have been longest organized. His salary shall be fixed and paid by such board of fire underwriters. Such fire mar-

shal shall, before entering upon the office, take and subscribe the oath of office, and execute a bond to the state of California in the sum of five thousand dollars, with two or more sureties, to be approved by a judge of the superior court, for the faithful discharge of his duties. Any person aggrieved by any misconduct of such marshal, or his deputy, may bring an action in his own name upon such official bond, which bond shall be filed in the office of the county clerk. It shall be the duty of such fire marshal to attend all fires which may occur in such city, or city and county, with a badge of office conspicuously displayed. He shall take charge of and protect all property which may be imperiled at any such fire, and safely keep the same under his possession and control until satisfactory proof of ownership be made thereto; and shall, as far as practicable, prevent such property from being injured at such fire, and direct, when in his opinion it shall be necessary, the removal of goods, merchandise, and other property to a place of safety. He shall be authorized and empowered to exercise the functions of a peace-officer of such city, or city and county. Any person who shall willfully hinder or obstruct said officer in the lawful discharge of his duties shall be deemed guilty of a misdemeanor; provided, however, that nothing herein contained shall be so construed as to authorize such fire marshal to interfere in any manner with the proper discharge of the lawful duties and authority of any chief engineer of any fire department of such city and county. It shall be the duty of such fire marshal to institute investigations into the cause of such fires as occur in such city, or city and county; and for this purpose he shall have power to issue subpoenas and administer oaths, and compel the attendance of witnesses before him by attachment or otherwise. All subpoenas issued by him shall be in such form as he may prescribe, and shall be directed to and served by any police officer, or by any peace-officer of such city, or city and county. Any witness who refuses to attend or testify in obedience to such subpoena shall be deemed guilty of contempt, and be punishable by him as in cases of contempt in justices' courts in civil cases. He shall make a written report of the testimony to the district attorney, and institute criminal prosecutions in all cases in which there appears to him to be a reasonable and probable cause

correction of such city, or city and county, by the police courts and the superior courts; to prescribe rules of commitment and detention of prisoners, hours of labor, and all necessary rules, regulations, and restrictions for the proper operation of said institution. All prisoners sentenced to a term in the county jail, or house of correction, shall be deemed to have been sentenced to labor during such term. The judges of police courts and of the superior courts, in such city, or city and county, may sentence criminals to the house of correction when, in the judgment of such judge, the criminal is too young to be sentenced to the state prison, or when it is deemed better for the well-being of the prisoner. No person shall be sentenced to imprisonment in the house of correction for a shorter or longer term than that for which he might be sentenced in the jail of such city, or city and county, or in the state prison; and in no case whatever for a shorter term than three months nor for a longer term than three years. No person who might be sentenced to imprisonment in the state prison shall be sentenced to imprisonment in the house of correction if he is more than twenty-five years of age, if he has been once before convicted of a felony, or twice before convicted of petit larceny, nor unless, in the opinion of the court, imprisonment in the house of correction will be more for his interest than imprisonment in the state prison, and equally for the interest of the public. The fact of a previous conviction may be found by the court upon evidence introduced at the time of sentence. The board of aldermen of the city, or city and county, shall appoint a competent superintendent of the house of correction of such city and county, who shall also be treasurer of said house of correction, and who shall give good and sufficient bonds, in a sum, and with sureties, to be approved by said board of aldermen, for the faithful discharge of his duties, and to whom shall be paid a salary, to be fixed by them, not to exceed two hundred and fifty dollars per month, payable monthly. Said superintendent shall only be removed for just and sufficient legal cause, after a fair and impartial investigation of his case by said board of aldermen. He shall, immediately after his appointment, and when authorized by said board of aldermen, appoint, subject to the approval thereof, such subordinates as may be deemed necessary by the board of al-

dermen; and the pay of such subordinates shall be fixed by said board of aldermen, not exceeding one hundred dollars per month to each party so appointed. The superintendent shall manage the general interests of the institution; see that its affairs are conducted in accordance with the requirements of this chapter and of such by-laws as the board of aldermen may from time to time adopt for the orderly and economical management of its concerns; to see that strict discipline is maintained therein; to provide employment for the inmates; adjust and certify all claims against the institution. And all by-laws made by said board of aldermen for the management of said institution, and not contrary to the laws of this state, shall be binding, in all respects, upon said superintendent, officers, and inmates; and said superintendent shall each year prepare and submit, under oath, to the board of aldermen a report of the concerns of said institution. The superintendent shall reside at the house of correction, have charge of its inmates and property, and be its treasurer; keep accounts of all his receipts and expenditures, and of all such property and account in such manner as the said municipal council may require, and hold all books and papers open to their inspection.

Maintain an industrial school.

33. To maintain and regulate an industrial school for the detention, management, reformation, education, and maintenance of such children, under the age of eighteen years, as shall be committed or surrendered thereto by the courts of such city, or city and county, as vagrants, living an idle or dissolute life, or who shall be convicted by the police or superior court of any crime or misdemeanor, or who, being tried for any crime or misdemeanor in such court, shall be found to be under fourteen years of age, and to have done an act which, if done by a person of full age, would be a crime or misdemeanor; and said council is empowered to regulate the commitment, detention, and discharge of such children, and to designate and prescribe the causes, terms, and conditions thereof; and the said police court and superior court shall have power to adjudge that such persons so convicted shall be so imprisoned; and persons so convicted shall remain at said industrial school until he or she shall attain ma-

majority, unless a shorter time shall be fixed by said court in the commitment. Such children shall be kept at such employments and be instructed in such branches of useful knowledge as may be suitable to their age and capacity. The municipal council may provide for binding out such children as apprentices during their minority, to learn proper trades and employments. There shall be a superintendent of said industrial school, to be appointed by the board of aldermen. He shall be deemed a public officer, whose salary shall not exceed two hundred and fifty dollars per month, and such other employees as may be necessary, with salary not to exceed one hundred dollars per month each. Such police and superior court, or either of them, upon the application of the board of aldermen, and upon its certificate that it is expedient to do so, shall have power to discharge any child committed to said industrial school, and who is not bound out as an apprentice, or adopted, and may in like manner discharge such child upon the application, in writing, of the parents or guardian of such child, who shall not have been bound out or adopted, and after ten days' notice, in writing, to the board of aldermen, if, upon the hearing of the application, such police court or superior court shall consider that such discharge is expedient.

Maintain alms-house, etc.

34. To establish and maintain an alms-house, a city and county hospital, a small-pox hospital, and such other institutions of the same character as are or may be necessary, and to perpetuate such institutions as may have been heretofore established in such cities, or cities and counties, heretofore incorporated.

Payment of judgment.

35. To order paid out of the general fund any final judgment against such city, or city and county.

Public pound.

36. To maintain, regulate, and govern a public pound, fix the limits within which animals shall not run at large, and appoint pound-keepers, who shall be paid for out of the fines imposed and collected of the owners of impounded animals, and from no other source.

Improvement of water front.

37. To allow and order paid out of the street department fund such sums as may be deemed necessary for improvement of streets bordering on the water front, and improvement of sewers and streets in front of public property.

Burial of indigent dead.

38. To allow and order paid out of the general fund such sums as may be necessary for burying the indigent dead.

Pay of special counsel.

39. To allow and order paid out of the general fund such sums, not to exceed five thousand dollars in any one fiscal year, as may be deemed necessary for the employment of special counsel.

Enact certain regulations.

40. To enact such general and special police regulations for such city, or city and county, as shall secure the health, comfort, and security of the inhabitants, the safety and security of property and life, and to enforce the same therein.

Regulation of offices and departments.

41. To make needful rules and regulations for the administration, care, and maintenance and conduct of all departments and offices of such city, or city and county, when not otherwise in this chapter provided for, so as to secure more perfect safety of the public funds, and greater efficiency in all departments of the service, and to enforce the observation of such rules and regulations, and to authorize the appointment of such additional clerks, assistant deputies, and employees as in their judgment may be necessary for the proper discharge of the duties of such offices and departments.

General fund.

42. To appropriate the moneys derived from the revenue of such city, or city and county, to a general fund, and such funds as have been heretofore or shall be hereafter established by law, or the said council, and as shall be necessary for the proper and economical administration of such city, or city and county.

Free library.

43. To establish, maintain, and regulate free public libraries and reading-rooms, and to perpetuate such free libraries and reading-rooms as may have been heretofore established in such cities, or cities and counties, heretofore incorporated.

Law library.

44. To provide, fit up, and furnish, and provide with fuel, lights, stationery, and all necessary attendance, conveniences, and care, rooms convenient and accessible to the courts, sufficient for the use and accommodation of a law library and those who have occasion to use it, and approved by the officers having the government of said library, and to perpetuate and in the same manner provide for any law library now existing in such city, or city and county, the use of which has been secured by law to the courts, the bar, and the city, or city and county, government. The municipal council shall have power, and it shall be their duty, to appropriate, allow, and order paid out of the proper fund such sums as may be necessary therefor.

Medical dispensary.

45. To establish and maintain a free medical dispensary, and to perpetuate any such heretofore existing in such city, or city and county.

Building committee.

46. To appoint a committee of five, three from the board of aldermen and two from the house of assistant aldermen, to be denominated the "Building Committee," to superintend the construction of buildings hereafter to be constructed for such city, or city and county, or now in progress of construction therefor, and to appoint a secretary for such committee, and to fix his compensation, and, if necessary, also to appoint a superintendent and architect therefor, fix their respective compensation, and require of such superintendent and architect to execute bonds, with two sureties, conditioned for the faithful performance of their duty, in such sums as may be deemed necessary.

Division of city into wards.

47. To divide the city, or city and county, by ordinance, into twelve wards, to fix the boundaries thereof, and to

change the same from time to time; provided, that no change in the boundaries of any ward shall be made within sixty days next before the date of said general election, nor within twenty months after the same shall have been established or altered.

Levy and collection of revenue.

48. To provide for the levy, collection, and appropriation of revenue heretofore by law provided to be collected for the erection and completion of any public building in and for such city, or city and county, in the manner as heretofore provided by any law of this state for the levy, collection, and appropriation of the same.

Board of equalization.

Sec. 65. The municipal council shall constitute a board of equalization for such city, or city and county, and as such shall have the powers conferred by the general laws regulating the assessment and collection of taxes, when not inconsistent with the provisions of this chapter.

Definition of public streets.

Sec. 66. All the streets, lanes, alleys, places, or courts, as laid down on the official map of such city, or city and county, and all other streets, lanes, alleys, places, or courts now dedicated or open to public use, are hereby declared to be open public streets, lanes, alleys, places, or courts for the purpose of this chapter; and the municipal council is invested with jurisdiction to order any of the work mentioned in section sixty-seven of this act to be done on any of said streets, lanes, alleys, places, or courts, when the grade and width of said streets, lanes, alleys, places, or courts have been officially established; and for the purposes of this chapter the grade of all intermediate or intersecting streets, lanes, alleys, places, or courts in any one block shall conform to the grades as established of the crossings of the main streets.

Grading streets.

Sec. 67. The municipal council is hereby authorized and empowered to order the whole or any portion of the said streets, lanes, alleys, places, or courts graded or regraded to the official grade, planked or replanked, paved

or repaved, macadamized or remacadamized, piled or repiled, capped or recapped, and to order sidewalks, sewers, cess-pools, man-holes, culverts, curbing, and cross-walks to be constructed, and to order any streets and sewers cleaned, and to order any other work to be done which shall be necessary to make and complete the whole or any portion of said streets, lanes, alleys, places, or courts, and they may order any of the said work to be improved; and when any street, or portion of a street has been or shall hereafter be constructed to the satisfaction of the municipal council and the superintendent of streets, and shall have a brick sewer, or cement or iron-stone pipe constructed therein, under such regulations as said municipal council shall adopt, the same shall be accepted by it, and thereafter shall be kept open and improved by such city, or city and county, the expense thereof, together with all work done in front of city, or city and county, property, to be paid out of the street department fund, or other proper fund; provided, that the municipal council shall not accept of any portion of the street less than the entire width of the roadway (including the curbing and one block in length, or one entire crossing); and provided further, that it may, partially or conditionally, accept any street, or portion of a street, without a sewer or pipe therein as above stated, if a sewer or pipe therein shall be deemed by them unnecessary; but the lots of land previously assessable for the cost of construction of a sewer or pipe shall still remain and be assessable for such cost, and for the cost of repair and restoration of the street damaged in the said construction, when thereafter a sewer or pipe shall be deemed necessary, the same as if no partial or conditional acceptance had ever been had. The said superintendent of streets shall keep in his office a register of all accepted streets, the same to be indexed so that reference may be easily had thereto.

Special assessment for work on private property.

Sec. 68. The municipal council may order work authorized by this chapter, the cost and expense of which is made chargeable, or may be assessed upon private property by special assessment, to be done, after notice of its intention so to do in the form of a resolution describing the work, and signed by the clerks of both branches of the

municipal council, has been published for the period of five days in the paper doing the printing for such city, or city and county, and also in two daily newspapers, one of which newspapers shall be published as a morning edition and one as an evening edition, printed and published in such city, or city and county, for five days, Sundays and non-judicial days excepted; provided, that no such notice shall be given or order made for the grading of any street, unless the majority of the frontage of the lots and land fronting on the work proposed to be done, and described in said resolution, or which is to be made liable for such grading, except public property, shall have been represented by the owners thereof, or by their agents, in a petition to the said municipal council, stating that they are the owners and in possession or agents of the lots named in the petition, and also requesting that such improvements or street work shall be done. All owners of lands, or lots, or portions of lots, who may feel aggrieved, or have objection to the ordering of the work described in said notice, or who may have objection to any of the subsequent proceedings of the municipal council in relation to the work mentioned in such notices of intention, or may have any objections to any of the acts of the superintendent of streets, and the city, or city and county, surveyor of such city, or city and county, in the discharge of any of the obligations or duties imposed upon him or them by virtue of their offices, shall file with the clerk of either branch of the municipal council a petition or remonstrance, wherein they shall set forth in what respect they feel aggrieved, or the acts or proceedings to which they object, which petition or remonstrance shall be passed upon by the municipal council, and its decisions thereon shall be final and conclusive; but the municipal council shall not order the work described in said notices to be done unless all objections and protests that may have been presented and filed as aforesaid shall have been by them disposed of. Should the owners or agents of more than one half in frontage of the lots and lands fronting on the work proposed to be done, and designated in said notice or resolution, or liable to be assessed for work, file with the clerk of either branch of the municipal council written objections against any grading described in said notice, at any time before

the expiration of the publication of said notice of intention, and the publication thereof, as hereinbefore provided, then and thereupon the municipal council shall be barred from proceeding further for the period of six months, and shall not renew the notice of intention for doing any street work so protested against within six months, unless the owners or agents of a majority of the frontage of the lots and land fronting on said street work, or liable to be assessed therefor as aforesaid, shall petition anew for the work to be done. At the expiration of any notice of intention, the municipal council shall be deemed to have acquired jurisdiction to order any work to be done which is authorized by this chapter; and it is further provided, that where any public street shall have been graded, or graded and macadamized, or graded and paved, for the distance of one or two blocks upon each side thereof of any one or two blocks or crossing of a street which is not improved, it shall be the duty of the municipal council, upon the recommendation of the superintendent of streets, to order the notice provided in this section to be given without the petition provided first aforesaid; and if the owners of three fourths of the frontage of the land and lots fronting on such portions of said streets to be graded or improved shall, within the time prescribed in said notice, file written objections to the improvement of the said street, such objection shall be a bar for six months for the doing of said work or making said improvement, except when the work or improvement proposed to be done is the construction of sewers, man-holes, culverts, cross-walks, and sidewalks, the municipal council shall duly consider said objections before ordering said work; and if it shall decide and declare by an entry in the minutes of both branches thereof that the objections so made are not good, thereupon it shall be deemed to have acquired jurisdiction to order any such street work to be done that is described in said notice; provided further, that when one half or more of the grading, planking, macadamizing, paving, sidewalking, or sewerage of any one street, lying between two main street-crossings, has been already performed, the municipal council may order the remainder of such grading, planking, macadamizing, paving, sidewalking, or sewerage to be done, notwithstanding the objections of any or all of the property owners.

Manner of compelling certain street work to be done.

Sec. 69. The owners of more than one half in frontage of lots and lands fronting on any street, lane, alley, place, or court, mentioned in section sixty-six of this act, or their duly authorized agents, may petition the said municipal council to order any of the work mentioned in section sixty-seven of this act to be done; and the said board may order the work mentioned in said petition to be done, after notice of their intention so to do has been published as provided in section sixty-eight of this act. No order or permission shall be given to grade, or pile and cap, any street, lane, alley, place, or court, in the first instance, or any portion thereof, without extending or completing the same throughout the whole width of said street, lane, alley, place, or court. When any such work has heretofore been done, or when any such work shall hereafter be done, in violation of this section, neither the lots or portions of lots in front of which such work has been or may be done hereafter, nor the owners thereof, shall be exempt from assessments made for the payment of the work afterwards done to complete said street, lane, alley, place or court to its full width, as provided in this chapter.

Map to be transmitted.

Sec. 70. At the expiration of publication of such notice, the clerk of either branch of the municipal council shall cause to be transmitted to the city, or city and county, surveyor, and to the superintendent of streets of such city, or city and county, a copy of the resolution, order, or ordinance authorizing the said street work. The said surveyor shall thereupon, within fifteen days from the completion of the publication mentioned in the last section, transmit to said municipal council a map of the district to be benefited by said street improvement; which map shall show the relative location of each lot to the work proposed to be done, and be signed by said surveyor. The superintendent of streets shall also thereupon, within fifteen days from the completion of said publication, transmit to the municipal council an estimate of the cost and expense of said improvement, which said estimate shall contain the items composing the gross sum estimated, and shall be signed by said superintendent.

Adoption or modification of map.

Sec. 71. The municipal council shall, at the first meeting after the receipt of such map and estimate, or as soon as may be practicable, either adopt, modify, or reject the same, and after its final action upon said map and estimate, the same shall be transmitted to said superintendent of streets, who shall record the same in a book to be kept by him for such purpose; and the said superintendent shall forthwith prepare plans and specifications for such street work, and the clerk of either branch of the municipal council shall cause to be conspicuously posted in the office of said superintendent, and also published for five days (non-judicial days excepted) in the newspapers hereinbefore mentioned, a notice inviting sealed proposals to contract for the work contemplated to be performed; such work not to be performed, nor any contract for the same made or entered into, until after the moneys sufficient for the payment of the costs and expenses thereof shall have been levied, collected, and paid into the treasury of such city, or city and county, as hereinafter provided; which notice shall substantially contain the plans and specifications above mentioned; and all notices, resolutions, and orders required to be posted or published under the provisions of this chapter shall be posted or published, or both posted and published, as the law may require, by said clerk, as a matter of course, and without any special direction or authority from said municipal council. The said superintendent shall furnish specifications for the performance of any and all street work ordered by the municipal council and authorized by this chapter, and the time within which said work must be completed after entering into the contract for doing the same. All proposals shall be delivered to the clerk of either branch of the municipal council, and the house of which he is the clerk shall, in open session, open, examine, and publicly declare the same; and all proposals shall be for a price payable in gold coin of the United States; provided, said municipal council may reject any and all proposals should they deem it for the public good, and also may reject the proposals of any party who may be proved delinquent or unfaithful with any former contract with such city, or city and county; and if all proposals shall be rejected, the municipal council shall direct the

clerk of either house thereof to again post said notice; and publish the same as in the first instance. All proposals shall be accompanied with a bond to such city, or city and county, to be approved by the clerk of either house of said municipal council, in the sum of one thousand dollars, and in such additional amount as may be fixed by said superintendent of streets, with two good and sufficient sureties, who must be freeholders of such city, or city and county, said sureties to justify in double the amount, conditioned that the party making such proposal shall, or will, within ten days after notice from said superintendent that the moneys for the cost and expenses for such work have been paid into the treasury, enter into a contract with such city, or city and county, in pursuance of such proposal, and to commence such work within five days after the execution of such contract, and complete the same within the time mentioned in the said plans and specifications, or either of them, or within any extended time; it is further provided, that all persons proposing, owners included, who shall fail to enter into any contract as herein provided, or to complete the contracts entered into, are hereby prohibited from proposing a second time for the same work; and in case of owners, they are hereby prohibited from electing to take the same work a second time, and from entering into any contract concerning the same. At any time within five days after such money has been paid into the treasury, the owners of a majority of the frontage of lots and lands liable to be assessed for said work, or their agents, and who shall make oath that they are such owners, or the agents of such owners, may elect to do the said work, and to enter into a written contract to do the whole work at the price for which the same is awarded, upon giving the bond as hereinafter provided; and they shall commence said work within five days after the execution of such contract, and shall prosecute it diligently and continuously, and complete it within the time limited in the contract, or within any extended time; but should the said contractor, or the property owners, fail to prosecute the same diligently or continuously, in the judgment of said superintendent, or complete it within the time prescribed in the contract, or within the extended time, then it shall be the duty of said superintendent to report the same to the

municipal council, who shall immediately order the clerk of either branch of the municipal council to advertise for proposals as in the first instance, and relet the contract in the manner hereinbefore provided; and it is further provided, that all contractors for street work shall, at the time of entering into said contract, execute a bond payable to such city, city or county, with two or more sureties, in the sum of not less than one thousand dollars, and in such additional amount as may be fixed by said superintendent, conditioned for the faithful performance of said contract; and said sureties shall justify in double the amount of the penalty fixed in said bond; such sureties to justify before said superintendent or his deputy, and the qualifications and responsibility of such sureties shall be the same as prescribed for sureties on the official bonds of the officers of such city, or city and county; and it is further provided, that in case of the non-fulfillment by the obligor in either of the bonds mentioned in this section, of the conditions thereof, it shall be the duty of the city, or city and county, attorney to sue for and collect the sum in said bond mentioned, in any court of competent jurisdiction, and pay the same into the city and county treasury, to the credit of the proper fund.

Assessment.

Sec. 72. After the proposal shall have been received and considered by the municipal council, the superintendent of streets shall make an assessment in proportion to the benefit upon all the land in the district shown upon said map. Said assessment shall show the work proposed to be done, the estimated cost thereof, the rate per front foot assessed against each lot within the assessment district, the amount of each assessment, the name of the owner of each lot, or portion of lot, if known to the superintendent, and if such owner be unknown, the word "Unknown" shall be written opposite the number of the lot (but an assessment made to a person not the owner shall not render such assessment illegal), and the amount assessed thereon, the number of each lot, or portion of lot, assessed, and shall have attached thereto a diagram showing the assessment district, and the relative location of each lot assessed to the work proposed to be done, each lot being numbered in said assessment and

diagram; and when completed, shall be signed by said superintendent, and transmitted to the board of aldermen.

Notice of hearing objections to assessment roll.

Sec. 73. At the first meeting of the board of aldermen, after the receipt by it of the assessment made by said superintendent, as soon thereafter as may be practicable, it shall cause notice of the time and place of the hearing of all objections to said assessment to be published for at least five days (Sundays and non-judicial days excepted), prior to the time of such hearing, in two daily newspapers, one published as a morning edition and one as an evening edition, in such city, or city and county. All objections shall be heard in open session of said board of aldermen. At said hearing said board of aldermen may alter, modify, or confirm said assessment, as it shall deem proper; and said superintendent shall thereupon record said assessment and diagram in a book to be kept by him for that purpose. When so recorded, the several amounts assessed shall be deemed a tax levied upon the lands described in said assessment and diagram, upon which they are respectively assessed, and shall be a lien upon such parcels of land. Said superintendent shall give to each assessment a number by which the fund collected for said work shall be known, and shall immediately after the record of said assessment, as hereinbefore provided, deliver the said assessment and diagram to the tax collector of such city and county, who shall thereupon cause to be published for ten successive days (Sundays and non-judicial days excepted), in two newspapers of general circulation, one of which shall be published as a morning edition and one as an evening edition, published in such city, or city and county, a notice containing a description of the proposed improvement, and of the portion of street or streets upon which the same is proposed to be done, that the same is in his hands for collection; that if said assessment is not paid within fifteen days from the date of the last publication of such notice, that the same will be delinquent; that the property assessed, and upon which the assessment remains unpaid, will be sold by said tax collector for said assessment, a brief description of the property assessed, the amount assessed thereon, and the time and place of sale, which

shall be not less than five nor more than ten days after such delinquency.

Sale of property for unpaid taxes.

Sec. 74. On the day fixed for the sale, said tax collector, between the hours of ten A. M. and three P. M., must commence the sale of the property advertised, upon which the assessment remains unpaid, and sell the same at public vendue, in the office of said tax collector, to the person who will take the least quantity of the respective parcels of land assessed, and pay the assessment thereon, together with two dollars to said tax collector for the duplicate certificate of sale. If the purchaser does not forthwith pay the amounts of the assessment and costs by him bid, the tax collector shall immediately proceed to sell such parcel or parcels again, in the same manner, for the amount of said assessment and costs.

Duplicate certificate.

Sec 75. After receiving the amount of the assessment and costs, said tax collector must make out in duplicate a certificate, dated on the day of sale, showing the name of the person assessed, when known, a brief description of the property sold, the street improvement for which the assessment was levied, the number of the assessment, that it was sold for an assessment, the amount thereof, that the same is subject to redemption at any time within one year after sale, and specifying the date when the purchaser will be entitled to a deed; and upon payment to said tax collector of the fee for recording the same, said tax collector shall deliver one of such duplicates to the purchaser, and the same day file the other in the office of the recorder of the county, or city and county, who shall record the same.

Vesting of lien.

Sec. 76. Upon filing the said duplicate in the office of said recorder, the lien aforesaid is vested in the purchaser, and is only divested by payment to him, or to the treasurer of such city, or city and county, for his use, of the purchase money and costs, and two per cent per month and fraction of a month up to date of redemption thereon. A redemption of the property sold may be made by the owner, or any party in interest, within twelve months from the date of purchase.

Deed to purchaser and conclusions of law.

Sec. 77. If property is not redeemed within twelve months from the date of such sale, the tax collector must make to the purchaser, or his assignee, a deed, reciting substantially the matters contained in the certificate, and that no person redeemed the property during the time allowed by law for its redemption. The matters recited in the certificate of sale must be recited in the deed, and such deed, duly acknowledged, shall be prima facie evidence that:

1. The property was assessed as required by law;
2. That the assessment was not paid;
3. That the property was sold at the proper time and place, and by the proper officer;
4. That the person who executed the deed was the proper officer therefor;
5. That the title to the property therein described is vested in the purchaser, his heirs, or assigns, free from all incumbrances, except taxes for purposes of revenue.

Payment into treasury by tax collector.

Sec. 78. Said tax collector shall daily pay into the treasury of such city, or city and county, to the credit of the proper street-improvement fund, all moneys collected by him on account of such fund, and shall, upon the receipt of any assessment, mark the same paid upon the assessment roll, and shall receipt to the person paying the same therefor, which receipt shall show the number of the street-improvement fund; the work done, the number of the lot upon which the assessment is paid, and the amount thereof.

Certificate of payment into treasury.

Sec. 79. When the full amount of such assessment has been collected by said tax collector, the said collector shall certify to the superintendent of streets that the same has been collected and paid into the treasury of such city, or city and county. Upon the receipt of such certificate from the tax collector, the said superintendent shall forthwith notify the person whose proposal shall have been accepted by the municipal council, as aforesaid, of the payment of such money into the treasury, and that such city, or city and county, is ready to enter into a

contract with such person for such work, in pursuance of said proposal; and said superintendent shall hold himself in readiness to execute said contract on behalf of such city, or city and county. The board of aldermen may extend the time of performance of the contract, as fixed by the contract of specifications, upon the recommendation of said superintendent; but the time of the performance shall in no event be in any manner extended beyond sixty days after the time fixed in such specifications or contract for the completion of said work.

Certificate to contractor and publication of notice.

Sec. 80. Whenever any contract shall have been completed to the satisfaction and acceptance of the superintendent of streets, he shall deliver to the contractor a certificate to that effect, and shall also notify said board of aldermen that said work and improvement, and the contract therefor, have been completed to his satisfaction and acceptance, and that he has given to said contractor his certificate to that effect. Thereupon said board of aldermen shall direct the clerk of said board to give notice by publication for five days, in a newspaper published and circulated in such city, or city and county, that said work and improvement, and the contract therefor, have been completed to the satisfaction and acceptance of the superintendent of streets of such city, or city and county.

Appeal of property owner.

Sec. 81. Any person owning property which has been assessed to pay the cost and expenses of such work and improvement, feeling aggrieved at the manner in which such work and improvement shall have been done, or feeling aggrieved at any act or determination of said superintendent of streets in relation to said work and improvement subsequent to the date of the execution of the contract therefor, shall, within five days from the first publication of said notice, appeal to said board of aldermen by briefly stating their objections in writing, and by filing the same with the clerk of said board. At the meeting of the board next ensuing after the expiration of said five days allowed above for filing said objections, the said board, if no objections have been filed, shall, by resolution, ratify and confirm all said acts of said superintendent of streets, and shall accept such work and

improvement. But if any such objections last aforesaid shall have been filed within said five days, then said board shall fix the time for hearing such objections, and shall direct the clerk of said board to notify all persons desirous of being heard upon said objections of the time and place when and where said board will hear all parties desiring to be heard upon the same. Said notice shall be in writing, and shall be given by posting the same in three of the most conspicuous public places in such city, or city and county, and published five days in two daily newspapers (one morning and one evening edition), at least five days before the time set for said hearing. At the time and place fixed for said hearing of said objections, said board shall proceed to hear all parties present and desiring to be heard upon the matters specified in such objections. And whenever said board shall have determined, by personal inspection or otherwise, that said work and improvement objected to have been completed in all respects according to the contract therefor, they shall, by resolution, accept said work and improvement, and ratify and confirm all said acts of said superintendent of streets in relation thereto.

Notice to superintendent of streets.

Sec. 82. If, upon such hearing, said board of aldermen shall determine, by personal inspection or otherwise, that said work and improvement have not been performed according to the contract therefor, then they shall notify the said superintendent of streets to that effect, specifying in said notice to him the particulars in which said contract has not been performed. And said superintendent of streets shall thereupon at once cause said contractor to complete said work and improvement under the contract therefor in those particulars specified by said board in said notice to said superintendent of streets. Whenever said board shall ascertain that said work and improvement have been completed in all respects according to the terms of the contract therefor, they shall, by resolution, accept such work and improvement. All acts and determinations of said board of aldermen upon appeals, under the provisions of this and the next preceding section, shall be final and conclusive upon all persons entitled to an appeal thereunder.

Payment to contractor.

Sec. 83. Whenever any work or improvement shall have been so completed upon any street, lane, alley, court, or place in such city, or city and county, for the payment of costs and expenses of which an assessment shall have been levied and collected under the provisions of this act, the said board of aldermen shall, by resolution, direct the treasurer to pay out of the appropriate fund, at the expiration of fifteen days from the passage of such resolution, to the contractor who shall have so completed said work and improvement, the amount to which he is entitled under the terms of his contract; provided, however, that such payment by the treasurer shall be made subject to the following provisions, to wit: that any person or persons who have performed labor upon or furnished materials for the construction of said work or improvement, may file within said fifteen days, with the treasurer, any written claim or claims he or they may have on account of such labor performed or materials furnished; and at the expiration of said fifteen days, said treasurer shall pay to said contractor the amount specified in said last-named resolution, less the aggregate amount of all such claims, if any, theretofore filed in accordance with the provisions of this section. Should any money be retained by said treasurer on account of such claim or claims, he shall pay over the amount of each claim only upon the order therefor of said contractor, indorsed by the claimant entitled thereto, or upon the order therefor of any court of competent jurisdiction.

Repayment of moneys.

Sec. 84. And when all moneys required to be paid by the said treasurer, under the last preceding section, shall have been by him paid, as required in said section, if there is any money remaining in the fund out of which said payments shall have been made as aforesaid, it shall be the duty of said treasurer immediately to report the amount of said remaining moneys to said board of aldermen. Thereupon it shall be the duty of said board to empower and direct said treasurer to distribute and repay such remaining moneys, and in the proportion of the amounts of the original assessments, to the persons by or for whom said original assessments were paid, or to their legal representatives. And it shall be the duty of said

treasurer, in each instance of such repayment, to require, receive, and file away a receipt of said proportionate amount from said persons or their legal representatives. And in no case shall a contractor who has failed to fulfill the terms and conditions of his contract be entitled to receive any portion of the contract price therefor, and he shall be deemed to have forfeited all right to recover or receive any compensation whatever under said contract.

Kind of labor on accepted streets.

Sec. 85. No contract to do any work upon any accepted streets, other than cleaning streets and sewers, shall be let, but such work shall be done under the direction of the superintendent of streets, by laborers employed by such city, or city and county, through said superintendent, at such wages as may be from time to time fixed by the municipal council. All contracts for materials necessary to be used for work on accepted streets must be given by the municipal council to the lowest bidder offering adequate security, after due public notice, for not less than five days, in at least two newspapers published in such city, or city and county.

Repairing streets, sewers, etc.

Sec. 86. In case of urgent necessity, the superintendent of streets may, and it shall be his duty to, repair any of the unaccepted public streets, sewers, or crossings cornering thereon; and the expense of the same shall be paid out of the street-department fund, in the same manner as provided for the improvement of accepted streets; and all such repairs shall be made in uniformity with the work to be repaired, but such repairs between two main streets shall not exceed in cost the sum of two hundred dollars, and the repairs of any crossing shall not exceed in cost the sum of one hundred dollars; provided, the sums so expended shall not exceed the sum of two thousand dollars in any one month. Such work, and the material therefor, shall be performed and provided in the same manner as provided in the foregoing section concerning labor and material for accepted streets.

No recourse on city for damage for accident on defective street.

Sec. 87. No recourse shall be had against such city, or city and county, for damage to person or property

suffered or sustained by or by reason of the defective condition of any street or public highway of such city, or city and county, whether originally existing or occasioned by construction, excavation, or embankment, or want of repair of said street or public highway; and whether such damage be occasioned by accident on said street or public highway, or by falling from or upon the same; but if any person while carefully using any street or public highway of such city and county, graded, or in course of being graded, or carefully using any other street or public highway leading into or crossing the same, be injured, killed, lost, or destroyed; or any horses, animals, or other property be lost, injured, or destroyed, through any defect in said street or public highway, graded, or in course of being graded, as aforesaid, or by reason of any excavation or embankment in or of the same, or by falling from or upon such embankment or excavation, then the person or persons upon whom the law may impose the duty either to repair such defect or to guard the public from the excavation, embankment, or grading aforesaid, and also the officer or officers through whose official neglect such defect remained unrepaired, or said excavation or embankment remained unguarded as aforesaid, shall be jointly and severally liable to the person or persons injured for the damages sustained.

Improvement of streets by property owners.

Sec. 88. The superintendent of streets may require, at his option, by notice in writing, to be delivered to them personally or left on the premises, the owners, tenants, or occupants of lots or portions of lots liable to be assessed for work done under the provisions of this chapter, to improve forthwith any of the work mentioned in section sixty-seven of this act in front of the property of which he is the owner, tenant, or occupant, to the center of the street or otherwise, as the case may require, or to remove all filth, sand, earth, or dirt from the street in front of the premises; and, by a like notice, to be served personally upon the president or any officer of a railroad corporation or company, or to be left at the office of said corporation or company, to require such corporation or company to improve forthwith any work mentioned in this chapter, which said corporation or company are required by law to do and perform; said notice to specify what

improvement is required or work is to be done. After the expiration of five days, if such notice shall not have been complied with, such proceedings shall be taken by the proper authorities to cause the moneys necessary for the doing of such work to be paid into the treasury as is hereinbefore provided in reference to work and improvements upon unaccepted streets, and to be paid for in the same manner.

Notice, how served.

Sec. 89. Notices in writing, which are required to be given by the superintendent of streets, under the provisions of this chapter, may be served by any police officer, or by any male citizen over the age of twenty-one years; and the fact of such service shall be verified by the oath of the person making it, taken before the superintendent (who is hereby authorized to administer oaths), or any other person authorized to administer oaths. The superintendent of streets shall keep a record of the fact of giving such notices and proof of service, and shall keep the original proof thereof.

Levy of taxes.

Sec. 90. 1. On or before the fourth Monday of July, annually, the municipal council of such city, or city and county, shall levy the amount of taxes for city, or city and county, purposes, required by law to be levied upon all property not exempt from taxation; said amount to be such as the said council may deem sufficient to provide for the payment of all demands upon the treasury authorized by law to be paid out of the same; provided, that such taxation, exclusive of any and all special taxes, now or which hereafter may be authorized by law, shall not in the aggregate exceed the rate of one dollar upon each one hundred dollars valuation of the property assessed; provided further, that the said municipal council shall, in making the said levy of taxes, apportion and divide the taxes so levied, and to be collected and applied to the several specific funds known as the corporation debt fund, general fund, school fund, street-light fund, street-department fund, or other fund provided for by law or by the said council, according to the estimate of said council of the necessities of the said funds, except that the rate for the school fund shall not exceed thirty-five

dollars for each pupil who shall have attended and been taught the preceding year; and provided further, that the said municipal council shall authorize the disbursement of said money for the purposes hereafter mentioned; and at the close of each fiscal year the said council shall direct the treasurer to transfer all surplus moneys of all funds, excepting the school fund, after liquidating or providing for all outstanding demands upon said funds, to the general fund; but no money shall be transferred from either of the said funds to another, nor used in paying any demands upon such other fund, until all the indebtedness arising in any fiscal year, and payable out of said funds so raised for said fiscal year, shall have been paid and discharged.

Corporation debt fund.

2. The corporation debt fund shall be applied to and used for the payment of the interest, and to extinguish or provide for the extinguishment of the lawfully contracted funded debts of such city, or city and county, in accordance with laws in force at the time of the organization of such city, or city and county, under this act.

General fund.

3. The general fund shall be applied and used for the payment of all sums authorized by law to be paid out of the general fund, and not otherwise provided for in this chapter.

School fund.

4. The school fund shall be applied and used for the payment of all sums authorized by law to be paid out of the school fund.

Street-light fund.

5. The street-light fund shall be applied and used in the payment for lighting the streets of such city and county, and for the repair of lamps and posts, in pursuance of any existing or future legal contract of such city and county.

Street-department fund.

6. The street-department fund shall be applied and used for repairing and improving all streets, lanes, and the crossings thereof, which shall have been or hereafter may be accepted, so as to become a charge upon such city and county; for cleaning streets, lanes, crossings and sewers; and for the expense of improvements of streets

in front of school lots; for all street work in front of or assessable upon property belonging to such city and county; for all street work on the water-front of such city and county, not by law assessable upon private property; for all work authorized by the said council, upon the recommendation of the superintendent of streets, as immediately essential for the safety of life, limb, or property, or necessary for public health, or which cannot be by law assessed upon private property, and for such other objects relating to streets and highways as shall be directed by law or said council to be paid therefrom. All moneys received from licenses on vehicles, from the income from street railroads, from fines and penalties for violation of any law or ordinance regulating vehicles on the public streets, shall be paid into the street-department fund.

No payment of public funds unless authorized by law.

Sec. 91. No payment can be made from the treasury or out of the public funds of such city, or city and county, unless the same be specifically authorized by law, nor unless the demand which is paid be duly audited, as in this chapter provided, and that must appear upon the face of it. No demand upon the treasury shall be allowed by the auditor in favor of any person, officer, company, or corporation, in any manner indebted thereto without first deducting the amount of such indebtedness, nor to any person or officer having the collection, custody, or disbursement of public funds, unless his account has been duly presented, passed, approved, and allowed, as required by law; nor in favor of any officer who shall have neglected to make his official returns or his reports, in writing, in the manner and at the time required by law, or by the regulations established by the municipal council; nor to any officer who shall have neglected or refused to comply with any of the provisions of this or any other act of the legislature regulating the duties of such officer, on being required in writing to comply therewith by the president of the board of aldermen, or any member of the finance committee of the municipal council; nor in favor of any officer for the time he shall have absented himself without lawful cause, from the duties of his office, during the office hours prescribed in this chapter; and the auditor may examine any officer receiving a salary from the treasury, on oath, touching such absence.

Definition of "audited."

Sec. 92. The term "audited," as used in this chapter with reference to demands upon the treasury, is to be understood [as] their having been presented to and passed upon by every officer and board of officers, and finally allowed as required by law; and this must appear upon the face of the paper representing the demand, or else it is not audited.

What demands to be audited.

Sec. 93. Every demand upon the treasury, except the salary of the auditor, and including the salary of the treasurer, must, before it can be paid, be presented to the auditor for such city, or city and county, to be allowed, who shall satisfy himself whether the money is legally due and remains unpaid, and whether the payment thereof from the treasury of such city and county is authorized by law, and out of what fund. If he allow it, he shall indorse upon it the word "Allowed," with the name of the fund out of which it is payable, with the date of such allowance, and sign his name thereto; but the allowance or approval of the auditor, or the municipal council, or either branch thereof, or any board, committee, or officer, of any demand which, upon the face of it, appears not to have been expressly made by law payable out of the treasury or fund to be charged therewith, shall afford no warrant to the treasurer or other disbursing officer for paying the same. No demand can be approved, allowed, audited, or paid, unless it specify each several item, date, and value composing it, and refer to the law, by title, date, and section, authorizing the same.

Demands of auditor, how allowed.

Sec. 94. The demand of the auditor for his monthly salary shall be audited and allowed by the president of the board of aldermen. All other monthly demands on account of salaries, allowances, or compensations fixed by law or this act, and made payable out of the treasury of such city, or city and county, may be allowed by the auditor without any approval. All demands payable out of the school fund must, before they can be allowed by the auditor, or paid, be previously approved by the board of education, or by the president thereof, and superintendent of schools, acting under express authorization of said

board. Demands for teachers' wages, or other expenses appertaining to any school, cannot be approved, allowed, or audited to any amount exceeding the share of school money which such school will be entitled to have apportioned to it during the current fiscal year. All other lawful demands payable out of the treasury, or any public funds of such city, or city and county, and not hereinbefore in this section specified, must, before they can be allowed by the auditor in any manner, or recognized, or paid, be first approved by the municipal council, except, if the demand be under two hundred dollars, by the mayor and two members of the board of aldermen, appointed by the said board for that purpose, with power to act under and subject to its instructions and regulations during recess of the said board. The auditor must number and keep a record of all demands on the treasury allowed by him, showing the number, date, amount, and name of the original and present holder, on what account allowed, out of what fund payable, and, if previously approved, by what officer, officers, or board it has been so approved; and it shall be deemed a misdemeanor in office for the auditor to deliver any demand with his allowance thereon until this requisite shall have been complied with.

Who may administer oaths.

Sec. 95. The mayor, mayor's clerk, auditor, auditor's clerk, chief of police, police commissioners, president of the board of education, each member of the municipal council, and every other officer required by law or ordinance to allow, audit, or certify demands upon the treasury, or to perform any other official act or function, shall have power to administer oaths and affirmations, and take and hear testimony, concerning any matter or thing concerning any demand upon the treasury, or otherwise relating to their official duties. Every officer who shall approve, allow, or pay any demand on the treasury not authorized by law, or by a valid ordinance of the municipal council, passed in accordance with the same, or in case it is the act of a board, who shall, as a member thereof, vote for the same, shall be liable to the city, or city and county, individually, and on his official bond, for the amount of the demand so illegally approved, allowed, or paid. Every citizen shall have the right to inspect the books of the auditor, treasurer, secretary of the board of aldermen,

and clerk of the house of assistant aldermen, at any time during business hours. Copies or extracts from said books, duly certified, shall be given by the officer having the same in custody, to any citizen demanding the same and paying fifteen cents per folio of one hundred words for such copies or extracts.

Payment of audited demands.

Sec. 96. Every lawful demand upon the treasury, duly audited as in this chapter required, shall in all cases be paid on presentation, and canceled, and the proper entry thereof be made, if there be sufficient money in the treasury belonging to the fund out of which it is payable; but if there be not sufficient money belonging to said fund to pay such demand, then it shall be registered in a book to be kept by the treasurer for that purpose, showing its number, when presented, date, amount, name of the original holder, and on what account allowed, and out of what fund payable, and being so registered, shall be returned to the party presenting it, with an indorsement of the word "Registered," dated and signed by the treasurer.

Investigation of non-payment of audited demands.

Sec. 97. Whenever any audited demand has been presented to the treasurer and not paid, and it be made known to the president of the board of aldermen, he shall proceed immediately to investigate the cause for such non-payment, and if it be ascertained that the demand has been illegally and fraudulently approved or allowed, he shall cause the officer guilty of such illegal and fraudulent approval or allowance to be suspended and proceeded against for misconduct in office. If he ascertains that the demand has been duly audited, and that the treasurer has funds applicable to the payment thereof, which, without reasonable grounds for doubt as to the legality of such payment, he refuses to apply thereto, he shall proceed against him as a defaulter. If it be ascertained that the demand was not paid for want of funds, then he shall cause the tax collector, or other officer or person who ought to have collected or to have paid the money into the treasury, if they have been grossly negligent therein, to be proceeded against according to law and without delay.

Receipts for money by all officers.

Sec. 98. The treasurer, for all money received into the treasury, and all other officers of such city, or city and county, receiving money from the treasury for disbursement, shall give receipt for all moneys by them received, which receipt shall be presented to and countersigned by the auditor. The auditor, before countersigning any such receipt, shall number it and make an entry in a book of record to be kept in his office for that purpose, of the number, date, and amount, by whom and in whose favor given, and on what account. No such receipt shall be valid as evidence in favor of the person or officer receiving it till presented to the auditor and countersigned as aforesaid; and any person or officer using or offering to use such receipt as evidence in favor of such person or officer, of the payment specified in it, without being first countersigned as above required, shall forfeit to such city, or city and county, double the amount of money specified in such receipt.

Remedy against auditor and other officers.

Sec. 99. If any person feel aggrieved by the decision of the auditor, or other proper officer or officers of such city, or city and county, except the board of education, in the rejection of or refusal to approve or allow any demand upon the treasury presented by such person, he may appeal and have the same passed upon by the municipal council, whose decision thereon shall be final; and if the said council shall approve and allow the demand, it shall afterwards be presented to the auditor, and entered in the proper book, in like manner as other demands allowed by him, and an indorsement must be made of its having been so entered before it can be paid; but nothing herein contained shall be construed to bar the party presenting the claim from prosecuting the same in any court of competent jurisdiction; provided, that from the decision of the president of the board of education and superintendent of schools, refusing or not agreeing to allow any demand payable out of the school fund, the appeal shall be taken to the board of education, whose decision shall be final; but nothing herein contained shall be construed to bar the party presenting the claim from prosecuting the same in any court of competent jurisdiction.

Opinion of city attorney.

Sec. 100. In all cases of such appeals to the municipal council, or the board of education, if, in the opinion of said council or of said board deemed expedient, the opinion of the city, or city and county, attorney shall be required, and obtained in writing, read, and filed; and upon such appeal, and in all other cases upon the approval or allowance of any demand upon the treasury or school fund, the vote shall be taken by "yeas" and "nays," and entered upon the records.

Examination of books of treasurer and other officers.

Sec. 101. The president of the board of aldermen, in conjunction with the auditor and the chairman of the house of delegates of such city, or city and county, shall, every month, examine the books of the treasurer and other officers of such city, or city and county, having the collection and custody of the public funds, and shall be permitted, and it shall be their duty, to see and count over all the moneys remaining in the hands of such treasurer, or other officer, after having previously ascertained the amount which should be remaining in his hands. The finance committee shall also, twice a year, viz., on the first Monday in July and January, make the same examination of books, count said money, and report the result to the municipal council. If they ascertain clearly that such treasurer, or other officer, is a defaulter, they shall forthwith take possession of all funds, books, and papers belonging to such office, and the president of the board of aldermen shall appoint a person to fill the same until the said defaulting officer can be proceeded against according to law, which shall be done without delay, and until the said officer shall be restored to duty or office, or until his successor shall be appointed, or elected and qualified. The person so appointed shall give bonds and take the oath of office in the same manner as was required of the officer whose place he is appointed to fill. If the treasurer, or other officer so discharged as defaulter, be acquitted thereof, he shall resume his duties.

One-twelfth law.

Sec. 102. Neither the municipal council, the board of education, nor any other board, commission, committee, officer, or person, shall have power to authorize, allow,

contract for, pay, or render payable, and they are prohibited from authorizing, allowing, contracting, paying, or rendering payable, in present or future, in any one month, any demand or demands, liability or liabilities, against the treasury of such city, city and county, or the funds thereof, which shall, in the aggregate, exceed one twelfth part of the amount allowed by laws existing at the time of such contract, authorization, allowance, payment or liability, to be expended within the fiscal year of which said month is a part; provided, however, that if, at the beginning of any month, any money remains unexpended in any of the funds set apart for maintaining the municipal government of such city, or city and county, and which might lawfully have been expended the preceding month, such unexpended sum or sums may be carried forward and expended by order of the municipal council, for the same purpose allowed by law in any succeeding month of the fiscal year. All contracts, authorizations, allowances, payments, and liabilities to pay, made or attempted to be made, in violation of this section, shall be absolutely void, and shall never be the foundation or basis of a claim against the treasury of such city, or city and county; and all officers of such city, or city and county, are hereby charged with notice of the condition of the treasury of such city, or city and county, and the extent of the claims against the same.

Duties of certain officers under the one-twelfth law.

Sec. 103. It is the duty of the superintendent of streets to keep an exact account of all street and sewer work upon accepted streets, and it shall be the duty of the building committee to keep an account of all work done on all public buildings and every other expenditure chargeable against the treasury in any of the departments under charge of said building committee and officers; and it is the duty of the superintendent of schools, the president of the board of education, the president of the board of fire commissioners, the president of the board of election directors, the president of the board of police commissioners, and every other officer and board having the power to contract any demand, or to aid in the contraction of any demand, against said treasury, to keep an exact and full account of all purchases, expenditures, and liabilities made or contracted in their respective depart-

ments; and for the purpose of making such accounts, said officers shall have power to demand and receive from every other city, or city and county, officer, detailed statements in writing, when necessary to keep said accounts, and it is hereby made the duty of any and all officers to furnish said statements when demanded; such accounts shall be constantly posted up to date, so that it can be known exactly at any time what part or proportion of the monthly sum allowed by this chapter and existing laws has been contracted for, paid, or rendered liable to pay in the present and future. Such accounts shall show every contract for street and sewer work, public buildings, purchases of material, or supplies, or other expenditure, in whatever department it is made, from its incipency through the various stages of progress to completion, with the amount to be paid for the same so far as the same is capable of exact estimation, and when not, then a sworn estimate by the proper officer of the probable cost. Whenever, at any time, the contracts performed or unperformed, claims due or to become due, exceed said one-twelfth part of the amount that can be lawfully expended out of any fund in the current fiscal year, the president of the board, head of department, or other officer or board having the supervision of such expenditure, shall give notice thereof in writing, as to his or their department, to the auditor and the treasurer, and to the municipal council a notice in writing, served upon the clerks of each branch thereof, and shall post the same in his or their office, from which time no further contracts shall be made, or expenditures authorized or allowed, until such time has elapsed as will allow of further proceedings consistent with the provisions of the law.

Penalty for non-compliance with law.

Sec. 104. Any failure or neglect on the part of any of said officers or boards, or members of boards, to comply with any of the provisions of the preceding sections, shall render such officer, and each member of such board consenting thereto, liable personally and upon his official bond to any contractor or other person suffering damage by said failure or neglect; but such contractor or person damaged shall have no remedy against such city, or city and county, and the said officers or members of boards authorizing or aiding to authorize, auditing, or allowing

any claim or demand upon or against said treasury, or any fund thereof, in contravention thereof, shall be liable in person and on his official bond to the contractor or person damaged, to the extent of his loss. The treasurer paying any claim authorized, allowed, or audited in contravention of the provisions thereof shall be liable on his official bond to refund the same to such city, or city and county, and it shall be the duty of the city, or city and county, attorney to sue for the same, if necessary.

Exception to operation of one-twelfth law.

Sec. 105. In case of any great public calamity or danger, such as earthquakes, conflagrations, pestilence, invasion, insurrection, or other great and unforeseen emergency, the provisions of the three preceding sections may be temporarily suspended, as to any lawful contract, authorization, or expenditure necessary to avert, mitigate, or relieve such evil; provided, that such expenditure, contract, or authorization shall be passed by the unanimous vote of all members elected or appointed to each house of the municipal council, and entered in the journals of each house, and the character and fact of such emergency must be recited in the ordinance authorizing such action; and such ordinance must be approved by the mayor, auditor, and treasurer of such city, or city and county.

Printing and advertising must be let to lowest bidder.

Sec. 106. All city, or city and county, official printing and advertising, for all departments thereof, excepting that of the sheriff's office, shall be let by the municipal council, during the month of January of each year, to the lowest responsible bidder, printing, publishing, and proposing to advertise in a newspaper of general circulation in such city, or city and county, and that has been in existence at the time of the letting of said contract at least three years; and provided, that any such newspaper may bid for the whole or any part of the advertising. The bids shall be opened by the board of aldermen, and all bidders may be present thereat. No bid shall be considered in which there shall be any erasure or interlineation. All such contracts, when awarded, shall be entered into and bonds taken by the clerk of the board or aldermen, in such sum and containing such conditions as the board of aldermen shall provide.

Contracts, how made.

Sec. 107. All contracts relating to city, or city and county, affairs shall be in writing, signed and executed in the name of the city, or city and county, by the officer authorized to make the same; and in cases not otherwise directed by the law, such contracts shall be made and entered into by the mayor. All contracts shall be countersigned by the auditor, and registered, by number and dates, in his office, in a book to be kept by him for that purpose. In all cases of letting contracts to bidders, when for any reason a contract fails of completion, new bids shall be invited, opened, and awarded, as provided in this chapter in the first instance, until a sufficient contract is executed. In all cases when the board of aldermen have reason to think the prices too high, or that bidders have combined together to prevent genuine bidding, or for any reason that the public interests will be subverted, it may in its discretion, reject any and all bids, and cause the same to be readvertised. The provisions of this act, as to bids and contracts, shall be enforced by the municipal council by appropriate ordinances as to all bids, proposals, and contracts with such city, or city and county, or any department thereof.

ARTICLE IV.—EXECUTIVE DEPARTMENT.**Qualifications and duties of mayor.**

Sec. 118. The mayor shall be the chief executive officer; shall be a qualified voter, at least twenty-five years of age, and shall have been a citizen of the United States and of this state, and a resident in such city, or city and county, for three years. It shall be his duty vigilantly to observe the official conduct of all public officers of such city, or city and county, and to take note of the fidelity and exactitude, or the want thereof, with which they execute their duties and obligations, especially in the collection, custody, administration, and disbursement of the public funds and property, for which purpose the books, records, and official papers of all boards, officers, and magistrates of such city, or city and county, shall at all times be open to his inspection. He shall take especial care to see that the books and records of all such officers are kept in legal and proper form; and any official default, or willful neglect of duty, or official misconduct,

which he may have discovered, or which shall have been reported to him, shall at the earliest opportunity be laid before the municipal council, and before the grand jury, in order that the public interests shall be protected and the officer in default be proceeded against according to law. He shall, from time to time, give the municipal council information relative to the state of such city, or city and county, and shall recommend to their consideration such measures as he may deem expedient in the interests of the city. He shall take care that the laws of the state and the ordinances of the municipal council are enforced.

Mayor pro tempore.

Sec. 119. Whenever and so long as the mayor, from any cause, is unable to perform his official duties, the board of aldermen shall designate one of their number as mayor pro tempore, who shall perform the same.

Special sessions of council.

Sec. 120. The mayor may, by due notice, call special sessions of the municipal council, and shall specially state to them, when assembled, the objects for which they have been specially convened, and their actions shall be confined to such objects.

Duties of auditor.

Sec. 131. The auditor shall be the head of the finance department of such city, or city and county, and as such required to be constantly acquainted with the exact condition of the treasury, and every lawful demand upon it. He shall keep a public office, and give his personal attendance there daily during the office hours fixed in this chapter, and shall not follow or engage in any other occupation or calling while he holds said office. If he absents himself from his office during such office hours, except on indispensable official business or urgent necessity, he shall lose his salary for the day; and it shall be a part of his official duty to keep account of the times and occasions when he shall be so absent from duty. He shall be the general accountant of such city, or city and county, and as such it shall be his duty to receive and preserve in his office all accounts, books, vouchers, documents, and papers relating to the accounts or contracts of such city, or city and county; its debts, revenues, and other fiscal

affairs, and to adopt a proper mode and manner of double-entry bookkeeping, and keep the accounts of such city, or city and county, general and special, in a systematic and orderly manner. He shall state and render all accounts filed or kept in his office between the city and other persons or body corporate, except when otherwise provided by law or ordinance. He shall have power to administer oaths, and shall require settlements of accounts to be verified by affidavit whenever he thinks proper. He shall be responsible for all acts of his employees.

Duties of treasurer.

Sec. 122. The treasurer of such city, or city and county, shall receive and safely keep in a secure fire-proof vault, to be prepared for that purpose, all moneys belonging to or which shall be paid into the treasury, and shall not loan, use, or deposit the same, or any part thereof, to or with any banker or other person, nor pay out any part of said moneys except on demand authorized by this chapter, and after they have been duly audited. He shall keep the key of said vault, and not suffer the same to be opened except in his presence. At the closing up of the same each day he shall take an account and enter in the proper book the exact amount of money on hand, and at the end of every month he shall make and publish a statement of all receipts into and payments from the treasury, and on what account. If he violates any of the provisions of this section he shall be considered a defaulter, and shall be deemed guilty of a misdemeanor in office, and be liable to removal, and shall be proceeded against accordingly. If he loan or deposit said moneys, or any part thereof, contrary to the provisions of this section, or apply the same to his own use, or the use of any other person, in any manner whatsoever, or suffer the same to go out of his personal custody, except in payment of audited demands upon the treasury, he shall be deemed guilty of a felony, and, on conviction thereof, shall suffer imprisonment in the state prison for a period not less than three months nor more than ten years.

Duties of treasurer.

Sec. 123. The treasurer shall keep the money belonging to each fund separate and distinct, and shall in no case pay demands chargeable against one fund out of moneys belonging to another, except as otherwise provided in this

chapter, without an express ordinance of the municipal council, which can only be made during or after the end of the third quarter of the fiscal year, by a vote of two thirds of each house. The said treasurer shall give his personal attendance at his public office during the office hours fixed by this chapter, and if he be absent himself therefrom, except on account of sickness or urgent necessity during such office hours, he shall lose his salary for the entire day on which he was absent.

Duties of county clerk.

Sec. 124. The county clerk of such city and county shall take charge of and safely keep, or dispose of according to law, all books, papers, and records which are or may be filed or deposited in his office, and of all the courts of which he is clerk; and he shall not allow any paper, files, or records to leave his custody, except when required by the judges of the courts, to be used by them or any of them.

Original papers not to be produced in court except on subpoena.

Sec. 125. No judge or officer of any court shall make any order for the delivery by the county clerk of such city and county, of any paper, files, or records in his custody, except bills of exceptions and statements on motion for a new trial; nor shall the courts, or judges thereof, have any power to make orders for the delivery of any certificate of incorporation, bonds, or other papers filed with the said county clerk. Whenever any of said papers are required for evidence in any of the courts within such city and county, the county clerk, or his deputies, shall produce the same under subpoena or order of the court, or furnish certified copies of the same on application, on payment to said clerk for said copy at the rate of ten cents per folio for each hundred words, which shall be paid into the city and county treasury by him.

County clerk not to attend as witness outside of city, unless his expenses are paid.

Sec. 126. Neither the county clerk nor any of his deputies shall be required to attend as witnesses, in their official capacities, outside of such city and county, except in criminal cases, unless his expenses be paid at the rate of ten cents per mile to and from the place where he may

be required, and three dollars a day for each day's attendance. A sufficient number of deputies shall be assigned by him as courtroom clerks to the various courts of which he is the official clerk, while such courts are in session, and to do duty in the office when such courts are not in session. He shall transfer such deputies to duty in court, or at his office, as the exigency of the service may require, so as to efficiently perform the work in the most economical manner possible.

Fee for law library.

Sec. 127. On the commencement in or removal to the superior court of such city and county of any civil action or proceeding, he shall collect from the plaintiff, or party instituting such proceeding or filing the first papers therein, the sum of one dollar, and pay over the same at the end of each month to the treasurer of the law library provided for in this chapter; and the payment of the sum of one dollar shall be a condition precedent to the commencement of such action or proceeding, for which sum so required to be collected he and his sureties shall be responsible on his official bond.

Tax collector to be charged with moneys, etc., coming into his hands.

Sec. 128. The tax collector, upon the final settlement to be made by him as such tax collector, according to the requirements of the law, shall be charged with, and shall pay into the hands of the treasurer, the full amount of all taxes paid to him under protest or otherwise, or by him collected and not previously paid over, without any deduction of commissions, fees, or otherwise; he shall also be charged with and be deemed debtor to the treasury for the full amount of all taxes due upon the delinquent list delivered to him for collection, unless it be made to appear that it was out of his power to collect the same by levy and sale of any property liable to be seized and sold therefor. If the impossibility to collect any portion of such delinquent taxes have resulted from such negligence or defects in such assessment caused by the willful misconduct of the assessor, then the assessor whose duty it was to make the assessment shall be liable and be deemed debtor to the treasury for the amount remaining uncollected for that cause.

Election of assessor and his duties.

Sec. 129. There shall be elected by the qualified voters of such city, or city and county, at the general state election, an assessor, who shall take office on the first Monday after the first day of January next following his election, and hold for the term of four years, and until his successor is elected and qualified. It shall be his duty to assess all taxable property within such city, or city and county.

Duty of sheriff.

Sec. 130. The sheriff shall attend in person, or by deputy, all the courts in and for such city and county, except the police courts. He shall obey the lawful orders and directions of such courts, and in all other respects conform to the laws regulating sheriffs in this state.

Duties of recorder.

Sec. 131. The recorder of such city and county shall have the custody of all books, records, maps, and papers deposited in his office. He, or his chief deputy, when any papers are presented for registration, or to be copied, shall write on the margin of each paper so presented the number of folios paid for, and shall, in his monthly return to the treasurer, certify under oath the number of folios copied or registered by each deputy or copyist appointed by him; and such certificate of the recorder or his chief deputy shall be conclusive evidence to authorize the auditor to audit such certified accounts of such deputies or copyists monthly. He shall appoint as many copyists as he shall deem necessary to the proper discharge of the duties of his office, who shall be paid at the rate of twelve cents per folio of one hundred words for all matters registered or copied by them respectively.

Duties of district attorney.

Sec. 132. The district attorney is the public prosecutor, and shall be an attorney of the supreme court, and shall attend the superior court of this state, in and for such city and county, and such other courts as may be hereafter established in and for the same, and conduct therein, on behalf of the people, all prosecutions for public offenses. He shall perform such other duties as are prescribed by law.

Duties of city and county attorney.

Sec. 133. The city, or city and county, attorney shall be an attorney of the supreme court, and shall prosecute and defend all suits and actions at law and in equity, and conduct all legal proceedings, in the courts and elsewhere, necessary to preserve and protect such city's, or city and county's, rights, whether such suits or proceedings be conducted in the name of such city, or city and county, or in the name of others. He shall give legal advice to the city government, and all the officers, boards, and departments thereof, when required so to do, and perform such other duties as such attorney as the municipal council shall from time to time prescribe. He shall keep in his office well-bound books of registry, in which shall be entered and kept a register of all actions, suits, and proceedings in which such city, or city and county, is interested. Each outgoing city, or city and county, attorney shall deliver such books and all other records, law reports, quarterly reports from municipal boards and officers, documents, statutes, papers, furniture, and property, in his possession, to his successor in office, who shall give him duplicate receipts therefor, one to be filed in the office of the auditor, and one to be retained by the outgoing city, or city and county, attorney.

Public administrator.

Sec. 134. The public administrator of such city, or city and county, shall be subject to the orders of the superior court in and for such city, or city and county, and shall perform all the duties prescribed by law.

Duties of coroner.

Sec. 135. The coroner of such city, or city and county, in addition to the duties imposed by law upon every coroner, shall keep a record of all inquests held by him, with a copy of all testimony and the inquisition of the jurors in full; and in case of loss of the original records, the same shall be admissible in evidence with like effect as the original would have been. He may appoint such deputies, and a messenger or messengers, as are allowed in this act, or as may be hereafter allowed by the municipal council of such city, or city and county. He shall receive no fees for any services rendered by him.

Duties of superintendent of streets.

Sec. 136. The superintendent of streets shall keep a public office, in some convenient place, to be designated by the municipal council. His office shall be kept open as in this chapter provided. He shall not, during his continuance in office, follow any other profession or calling, but shall be required to devote himself exclusively to the duties of his said office. He shall have under his special charge the construction, reconstruction, repairing, and cleansing of all public sewers, man-holes, sinks, drains, cesspools, and of the public streets, highways, alleys, places, and squares, excepting the parks. It shall be his duty to see that the laws, orders, and regulations relative to the public streets and highways, alleys, places, and squares are carried into execution, and that the penalties therefor are rigidly enforced, as may be prescribed by the municipal council. He shall keep himself informed of the condition of all public streets, highways, alleys, places, and squares; and should he fail to see that the laws, ordinances, and regulations relating to the public streets, highways, alleys, places, and squares are carried into execution, after notice from any citizen of a violation thereof, such superintendent and his sureties shall be liable upon his official bond to any person injured in person or property by such official neglect.

Duties of surveyor.

Sec. 137. The city, or city and county, surveyor shall be engineer-in-chief of such city, or city and county, and of the sewerage system; shall make all necessary plans, surveys, maps, and drawings, and other necessary things, and keep the same in his office; and all such maps, plans, machinery, and drawings shall be the property of such city, or city and county, and remain in the office, and be transferred by the outgoing to the incoming officer. He shall do all necessary surveying and engineering for the streets, alleys, highways, and squares, at the request of the municipal council, or of any committee appointed by either branch of the same, and all or any other surveying and engineer [ing] work that such city, or city and county, may require, and of the public parks, at the request of the park commissioners.

Appointment of collector of licenses and his duties.

Sec. 138. Within twenty days after their first meet-

ing, the municipal council of such city, or city and county, shall appoint a suitable person as collector of licenses of such city, or city and county, who shall hold office for two years from and after his appointment, and until his successor shall be appointed and qualified. In case of a vacancy occurring by death or otherwise in the office of the collector of licenses of such city, or city and county, holding his office under the provisions of this chapter, the same shall be filled for the remainder of the unexpired term by appointment of the board of aldermen; and in case of the inability of said collector of licenses to act, his place shall, in the same manner, be temporarily filled until such disability is removed. The collector of licenses and his deputies are hereby authorized, empowered, and required to collect all the municipal licenses now required to be collected, or which shall hereafter be required to be collected by them, or either of them; and it shall be the duty of said collector of licenses, and his deputies, or assistant collectors, to attend to the collection of licenses, and examine all places of business and persons liable to pay licenses, and to see that licenses are taken out and paid for. They shall each have and exercise, in the performance of their official duties, the same powers as police officers in serving process or summons, and in making arrests; also shall each have and exercise the power to administer such oaths and affirmations as shall be necessary in the discharge and exercise of their official duties; and they, and each of them, are hereby empowered to enter any place of business for which a license by law is provided and required, free of charge, at their pleasure, and to demand the exhibition of any license for the current time from any person, or firm, or corporation engaged or employed in the transaction of any business for which a license is by law rendered necessary; and if such person, or firm, or corporation, or either of them, shall be unable, or refuse, or neglect, or fail, to then and there exhibit such license, he, she, or they, as the case may be, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished accordingly.

License moneys.

Sec. 139. The collector of licenses shall daily pay to the treasurer of such city, or city and county, all moneys so collected for licenses sold, or by him received as fees; and

shall, under oath, at least once in each calendar month, and oftener when required so to do by the auditor, make to the auditor a report of all such licenses sold and on hand, and of all amounts so paid to the city, or city and county, treasurer; shall at such time exhibit to the auditor all unsold licenses in his hands, and the treasurer's receipts for all moneys paid into the treasury; and all licenses so signed by the license collector, or deputy license collector, or either of them, shall be as valid as if signed by the city, or city and county, treasurer. All fees so paid to him shall be placed to the credit of the proper fund by the treasurer.

Department of police.

Sec. 140. The department of police of such city, or city and county, shall consist of:

Police commissioners, how appointed.

1. A board of police commissioners of such city, or city and county, consisting of five members, each of whom shall be a qualified voter, at least thirty years of age, and shall have been a citizen of the United States and of this state, and a resident of such city, or city and county, for five years next preceding his appointment, four of whom shall be appointed by the governor and chief justice of the supreme court of the state of California, within thirty days after the organization of such city, or city and county, under this act, and who shall hold office for the term of four years from and after the first Monday next succeeding the date of their appointment, and until their successors are appointed and qualified; and in the month next preceding the expiration of the said term, and every four years thereafter, the said governor and chief justice of the supreme court shall appoint their successors, who shall hold office for the term of four years from and after the first Monday next succeeding the date of their appointment; but in making such appointments, the said governor and chief justice shall elect two qualified persons from each of the two dominant national political parties. Vacancies that may occur in the office of any of the members so appointed shall be filled by appointment by said governor and chief justice, of some suitable person of the same political party as that to which the last incumbent belonged, and for the remainder of the vacant term only. The four members appointed, as hereinbefore provided,

shall meet in such city, or city and county, on the first Monday next succeeding the date of their appointment, and shall forthwith organize by electing one of their number president, and shall appoint the other member of said board, who shall be the chief of police of such city, or city and county. Every member of said board shall, before he enters upon the duties of his office, take and subscribe the following oath or affirmation: "I do solemnly swear (or affirm, as the case may be), that I will support the constitution of the United States and the constitution of the state of California; that I will faithfully discharge the duties of police commissioner according to the best of my ability; and that in the discharge of my duties I will make no appointment to, or removal from the police force for political or partisan reasons; and that I will, to the best of my ability, discharge the duties of said office impartially and uninfluenced by political considerations, or any consideration other than that of the public good." Every member of said board who shall absent himself from such city, or city and county, for the continuous period of sixty days, shall, by force thereof, cease to be a police commissioner, and his office shall become vacant. No member of said board shall be eligible to any other office during his incumbency of the office of police commissioner. No member of said board shall, during his term of office, be a member of any convention, the purpose of which is to nominate candidates for office, nor act as a judge, inspector, clerk, or officer of any election, or primary election, or take part in any election except to deposit his vote; nor shall any member of said board, directly or indirectly, influence, or attempt to influence or control, the political action of any member of the police force of such city, or city and county, or any employee of said department; nor shall any member of said board collect, or suffer to be collected, from any member or employee of said department, any assessment or contribution for political purposes. A violation of any of the provisions of this section shall be a misdemeanor, and shall be cause for the immediate removal from office of the person guilty of such violation. The said board shall hold sessions at least once a month in the office of chief of police, or in such other convenient place as the municipal council of such city, or city and county, shall designate, or, in case of emergency,

at such place as it shall select, and the clerk of the chief of police, hereinafter provided for, shall act as clerk of said board. Every member of said board, and the clerk of said board, shall have power to administer oaths in all matters pertinent to the business of their respective offices, and in all investigations pending before said board, or any member thereof. The said board shall keep a record of its proceedings. The said board shall have power: Powers of board.

1. To appoint, suspend, or remove any person from the police force of such city, or city and county; provided, however, that the chief of police shall only be removable in the manner provided by law for the removal of other municipal officers.

Prescribe rules.

2. To prescribe all needful rules and regulations for the control, government, and discipline of said police force, and from time to time to alter or repeal the same, and prescribe penalties for the violation of any of them.

Determine complaints.

3. To hear and summarily determine all complaints of misconduct, inefficiency, or other charge against any member of said police force, and to take such action thereon as shall be conducive to the maintenance of the discipline and efficiency of the same.

Grant permits.

4. To grant permits to all persons desiring to engage in the retail liquor business in such city, or city and county, and to revoke any such permit whenever it shall be made to appear to said board that the retail liquor business of the person to whom such permit was given is conducted in a disorderly or improper manner, or whenever it shall be made to appear that the person to whom such permit was granted has, after the grant of such permit, been convicted in the police or other court of such city, or city and county, of disorderly or improper conduct, or of the commission of any criminal offense upon the premises whereon such retail liquor business is conducted; provided, however, that whenever said board refuses to grant such permit, or proposes to revoke such permit, the person who is refused such permit or whose permit is proposed to be revoked, shall be entitled to be heard before said

board in person or through counsel, and to have free of charge all reasonable facilities for the full, fair, and impartial hearing on the merits of his application or opposition. In such permit shall be distinctly stated and described the name of the person to whom the same is given, and the premises on which such retail business is proposed to be carried on.

Appoint special officers.

5. Upon the petition of any person, firm, or corporation, to appoint a special officer to do special service to be paid for by such person, firm, or corporation, specifying the boundary or locality at or within which he is to act as such special officer, which boundary or locality shall be described in his warrant of appointment; provided, that no special officer, shall be appointed to act in any part of such city, or city and county, commonly known as the Chinese quarter; and provided further, that all special officers shall report daily to the chief of police, and be subject to his orders in case of emergency; and in no event shall such officers be paid by such city, or city and county.

Badge.

6. To prescribe the badge of office and uniform to be worn by all members of the police force, and the badge of office to be worn by all special officers.

Contingent expenses.

7. To allow and order paid out of the police contingent fund, for contingent expenses, any and all orders signed by the chief of police; provided, that the aggregate of such orders shall not exceed the sum of seven thousand two hundred dollars a year, which sum shall be set apart annually in the treasury of said city and county for this purpose.

Appoint substitutes.

8. To appoint substitutes, not to exceed four per cent of the police force, to serve under such regulations, and subject to such restrictions, as it may prescribe, and without pay from such city, or city and county.

Issue subpoenas, etc.

9. To issue subpoenas, tested in the name of its president, and to enforce obedience thereto, and punish dis-

obedience thereof, in the same manner and to the like extent as the justices' court of such city, or city and county; and to exercise the same powers as the said justices' court in preserving decorum in all open sessions of said board, and to punish any contempt committed thereat.

Designate prisons.

10. To designate the prisons to be used for the reception of all persons arrested, convicted, or sentenced for public offenses in cases not provided for by law or by ordinance; to establish stations and station-houses, or substations and substation-houses, at its discretion, for the accommodation thereof of members of the police force, and as places of temporary detention for persons arrested.

Discretionary powers.

11. In its discretion, on conviction of a member of the force of any legal offense, or neglect of duty, or violation of the rules of the board, or neglect of or disobedience of orders, or incapacity, or absence without leave, or any conduct injurious to the public peace or welfare, or other breach of discipline, or immoral conduct, or any conduct unbecoming an officer, to punish the offending party by reprimand, forfeiting and withholding pay for a special time, suspension, or dismissal from the force; all such fines shall be immediately paid into the treasury to the credit of the police life and health insurance fund.

Warrant of appointment.

12. To issue to every member of the police force a proper warrant of appointment, signed by the president and countersigned by the clerk of the board, which warrant shall contain the date of his appointment and his rank.

Supplies.

13. To make requisition on the municipal council of such city, or city and county, for all supplies or necessities that may be required in the administration of the department; provided, that the aggregate amount of the same, exclusive of salaries, shall not, in any one fiscal year, exceed the sum of five thousand dollars.

Report, when made.

14. To annually, on or before the first day of August, report to the municipal council an estimate of the amount of money that will be required to pay all salaries of the

department, and of the amount of money that will be required for the administration and support of the department in such year, specifying in detail the purposes and items for which the same will be required, with the estimated cost thereof, respectively.

Sale of property.

15. To provide for the custody, care, restitution, sale, time, place, and manner of sale of all property that may come into the possession of the property clerk hereinafter provided for.

Control police life insurance fund.

16. To control, care for, and manage the police life and health insurance fund hereinafter mentioned, which fund shall consist of the moneys retained from the monthly salaries of the members of the police force, fines collected from members of said force, and of such other moneys as may be contributed thereto by law, or ordinance, or by gift, devise, or bequest, and of all moneys to the credit of said fund at the time said board shall take office, and to invest the moneys of said fund in such of the following securities as shall seem most safe and profitable, viz., the bonds of such city, or city and county, the bonds of the state of California, and the bonds of the United States of America. The moneys and securities shall be held by the treasurer of such city, or city and county, who shall have no power to deposit, pledge, or in any other way part with the same, except on the order of said board.

Payment to heirs out of fund.

17. To order paid, upon the death of any member of the police force, out of the police life and health insurance fund, to the heirs of such member, the sum of one thousand dollars.

Repayment to infirm officers.

18. To order paid, out of the police life and health insurance fund, to any police officer who shall resign by reason of bad health or bodily infirmity, the amount of the principal sum which such officer shall have contributed thereto.

Repayment to incompetent officers.

19. To order paid, out of the police life and health insurance fund, to any officer dismissed for mere incom-

petency, not coupled with any offense against the laws of this state, an amount not exceeding one-half of the principal which such officer may have contributed thereto; provided, that any officer dismissed for gross neglect or violation of duty, or upon conviction of any misdemeanor or felony, shall forfeit all claim upon said fund.

Registration of demands.

20. In case said police life and health insurance fund shall not be sufficient to pay the demands on it, to cause such demands to be registered, and to be paid in their order out of the fund as received.

Repayment of excess to certain officers.

21. When the police life and health insurance fund shall exceed the sum of fifty thousand dollars, to allow and order paid out of the same, to any officer who shall have been permanently disabled while in the discharge of his duty as such officer, such sum as in their judgment they shall deem proper, not to exceed one thousand dollars; but in no case shall said fund be reduced thereby below the sum of fifty thousand dollars. The president of said board shall receive a salary of three thousand dollars per annum. The other members of said board shall each receive a salary of one thousand two hundred dollars per annum, payable monthly, at the end of each and every month.

Chief of police, his powers and duties.

2. A chief of police, appointed as hereinbefore provided, who shall have power to select and designate one police officer to serve as clerk to the chief of police; one police officer to serve as property clerk, who, before entering upon his duties, shall give bond, with good and sufficient sureties, in the sum of ten thousand dollars, to such city, or city and county, to be approved as in cases of other official bonds, which bond shall be filed with the auditor of such city, or city and county; twelve detective officers, and thirty sergeants of police. He shall have the sole and exclusive control, direction, and superintendence of the city prisons of such city, or city and county, and may detail to duty therein such number of officers as the exigencies shall require. In the suppression of any riot, public tumult, disturbances of the public peace, or organized resistance against the laws, or public authorities,

in the lawful exercise of their functions, he shall have all the powers that now are or may be conferred upon sheriffs by the laws of this state; and his lawful orders shall be promptly executed by all police officers, and every citizen shall also lend him aid, when required, for the arrest of offenders and the maintenance of public order. In case of great public emergency or danger, he may appoint an additional number of policemen of approved character for honesty and sobriety, who shall have the same powers as other police officers, but who shall act without pay. In case of imminent danger of riot, or actual riot, or organized resistance to the laws, he shall have power, and it shall be his duty, if in his opinion, the organized police force be insufficient in number or unequal in strength to preserve the peace and maintain public order, to make his requisition on the governor, or in case of urgency on the nearest military commander in the National Guard of California, for such military force as may be necessary for the occasion; and such military force shall be placed under his command until the restoration of order and tranquillity, or until the governor declares such city, or city and county, in a state of insurrection, as provided by law. He shall keep a public office, which shall be open, and at which he, or in case of his necessary absence, a captain of police or sergeant of police by him designated for that purpose, who shall have, during such absence, the same powers as are conferred by law upon the chief of police, shall be in attendance at all hours of the day and night. In case of his absence from his office, it shall be made known to the captain or sergeant of police in attendance where he can be found if needed. He shall designate one or more police officers to attend constantly upon the police court to carry on the business, and to execute the orders and process of said court. He shall command, supervise, and direct the police force; and shall observe, and cause to be observed and enforced, the laws and ordinances within such city, or city and county. He shall see that all lawful orders and process of the police court are promptly executed; and shall exercise such other powers connected with his office as may be prescribed by law, or by the rules and regulations adopted by the board of police commissioners. He shall acquaint himself with all the statutes and laws in force in this state defining

public offenses and nuisances and regulating the criminal proceedings; and shall procure and keep in his office the statutes of this state and of the United States, and all elementary works on those subjects. He shall give information and advice touching said laws gratuitously to all police officers asking for it. He shall have power from time to time to dispose of such sum or sums for incidental expenses as in his judgment shall be for the best interest of such city, or city and county; provided, that the aggregate of all such sums shall not, in any one fiscal year, exceed the sum of seven thousand two hundred dollars; but all sums so disbursed or paid shall be subject to the approval of the said board. He may, for good cause, grant leave of absence for not more than thirty days to any member of the police force; but officers absent from the city within or without the state on official business shall not be deemed to be absentees. As chief of police, he shall hold office for the term of four years from his appointment, and shall receive a salary of four thousand dollars per annum, payable monthly, at the end of each and every month.

Captains of police, how appointed.

3. Six captains of police, who shall be appointed by the board of police commissioners from the members of the police force, who shall be assigned to such duty, and who shall be subject to such rules and regulations, as the chief of police shall prescribe. They shall receive a salary of two hundred dollars per month each, payable monthly, at the end of each and every month.

Police officers, their qualifications, powers, and duties.

4. As many police officers, not exceeding five hundred, as the board of police commissioners may determine to be necessary, to be appointed by said board; but it shall be the duty of said board, on its first organization, to appoint as members of the police force the members of the police force, if any, then in service, unless such members be incompetent or incapable to serve. Every person applying for appointment to said police force, unless he be a member of the police force then existing in such city, or city and county, shall produce and file with the said board a certificate, signed by not less than twelve freeholders and qualified voters of the smallest political subdi-

vision of such city, or city and county, stating that they have been personally and well acquainted with the applicant for one year or more next preceding the application, and that the applicant is of good repute for honesty and sobriety, and they believe him to be, in all respects, competent and fit for the office. All such certificates shall be preserved in the office of said board, and shall not be returned to the applicant. Every appointee to said police force must be a citizen of the United States and of this state, able to read and write the English language, and a resident of such city, or city and county, at least five years previous to his appointment, except such member of said police force as may be in service at the time of the organization of said board; every appointee shall not be less than twenty-five nor more than forty years of age, and not less than five feet and seven inches in height, and shall, after his nomination, and before his appointment, pass a thorough examination by the surgeon of police, or by any physician appointed by said board, and be found on such examination to be sound in health, and to possess the physical qualifications required for recruits for the United States army. The police officers, in subjection to the rules and regulations of the said board, to the orders of the respective captains, and under the general direction of the chief of police, shall be prompt and vigilant in the detection of crime, the arrest of public offenders, the suppression of all riots, frays, duels, and disturbances of the public peace, the execution of process from the police court in causing the abatement of public nuisances, and the enforcement of the laws and regulations of the police. They shall, as soon as practicable, upon an arrest, under penalty of dismissal from the force, or of a fine of not more than one hundred dollars, or of both, at the discretion of the board, convey in person the offender before the nearest sitting magistrate. If the arrest is made during the hours that the magistrate does not regularly hold court, or if the magistrate is not holding court, such offender may be detained in a station-house until the next public sitting of the magistrate, and no longer, unless discharged on bail, according to law. No member of the police force shall be eligible to any other office while a member of such force, nor shall he take any part whatever in any convention held for the purposes of

a political party; nor shall he be a member of any political club; nor shall he be allowed to interfere with politics on the day of election, or at any time while employed on said force, except to cast his vote. No member of said police force while on duty shall enter into any liquor-saloon, bar-room, or place where liquors are retailed, except when necessary in the discharge of his duties, on penalty of reprimand, fine, suspension, or removal from office. No member of the police force shall devote his time to any other profession or calling, become bail for any person charged with any offense whatever, solicit counsel or attorneys for prisoners, receive any present or reward for official services rendered, or to be rendered, unless with the knowledge and approbation of a majority of said board; such approbation to be given in writing and certified by the clerk of said board. Police officers who shall be selected to act as sergeants of police, and police officers who shall be selected to act as detective police officers, shall each receive a salary of one hundred and twenty-five dollars per month, payable monthly, at the end of each and every month. The police officer who shall be selected to act as clerk to the chief of police, and the police officer who shall be selected to act as property clerk, shall each receive a salary of one hundred and fifty dollars per month, payable monthly, at the end of each and every month. All other police officers shall each receive a salary of one hundred and two dollars per month, payable monthly, at the end of each and every month; provided, that the treasurer of such city, or city and county, is hereby authorized to deduct and retain from the salary of each member of said police force two dollars from every month's salary, to be paid into the fund of the police life and health insurance fund herein mentioned.

Surgeon of police, and his duties.

5. A surgeon of police, whose duty it shall be to attend to all cases of accident or sickness at the several police stations, to attend all officers who may be taken sick or injured in the discharge of their duty, to examine all applicants for appointment on the police force, and to perform such other duties as the board of police commissioners may from time to time prescribe. He shall be appointed by the said board, and shall hold office during its pleasure, but he shall not be removed without just cause. He shall

receive a salary of two hundred dollars per month, payable monthly, at the end of each and every month.

Fire commissioners, how appointed and term of office.

Sec. 141. There shall be a board of fire commissioners of such city, or city and county, consisting of five persons, possessing the same qualifications of eligibility as are herein prescribed for the members of the board of aldermen, who shall be appointed by the mayor, with the advice of the board of aldermen, and shall hold office for the term of four years from and after the time of their appointment, and no more than three of whom shall belong to the same national political party; provided, that the fire commissioners now acting as such in such city, or city and county, shall continue to hold their respective offices until the expiration of the term for which they may have been respectively elected or appointed.

Powers and duties of fire commissioners.

Sec. 142. The said board of fire commissioners shall supervise and control said fire department, its officers, members, and employees, subject to the laws governing the same, and shall see that the officers, members, and employees thereof faithfully discharge their duties, and that the laws, orders, and regulations relating thereto are carried into operation and effect. They shall not, nor shall either of them, or the chief engineer, or assistant chief engineer, or assistant engineers, of said fire department, be interested in any contracts pertaining in any manner to said fire department, or the sale, furnishing of apparatus, or supplies for the same; and all contracts in violation of this section are declared void, and any of said persons violating the provisions of this section shall be deemed guilty of misdemeanor, and upon conviction, shall be punished accordingly. The municipal council of such city, or city and county, shall have power to contract and provide for all cisterns, hydrants, apparatus, horses, supplies, engine, hose and hook-and-ladder houses, and all alterations and repairs required; and said board of fire commissioners shall supervise all contracts awarded, and work done for the said fire department, and shall see that all contracts awarded and work done are faithfully performed. The said board of fire commissioners shall have power to prescribe the duties of the officers, members,

and employees of said fire department, and to adopt rules and regulations for the management and discipline thereof; and a majority of them shall certify to the correctness of all claims and demands before the same shall be paid. And the municipal council is authorized and required to provide and furnish for the use of the board of fire commissioners a suitable room or rooms in some of the buildings of such city, or city and county, to serve as an office for their meetings and the transaction of business relating to said fire department, in which their clerk, janitor, and messenger shall be in attendance daily during office hours. The chief engineer, assistant chief engineer, and assistant engineer[s] of said department shall also make it their headquarters daily during office hours, when not otherwise engaged in official duties. And the said municipal council shall furnish the chief engineer, and also the assistant chief engineer and assistant engineers hereinafter mentioned, with a horse and buggy, and shall provide for keeping the same.

Officers of fire department.

Sec. 143. The officers of the fire department of such city, or city and county, shall be:

1. Five fire commissioners, to be appointed as aforesaid;
2. One chief engineer;
3. One assistant chief engineer;
4. Four assistant engineers;
5. One superintendent of steam fire-engines.

Members and employees of fire department.

Sec. 144. The members and employees of said fire department shall be:

1. One assistant superintendent of steam fire-engines;
2. One clerk and storekeeper for the corporation yard;
3. One corporation yard drayman;
4. One night watchman of corporation yard;
5. Two hydrantmen;
6. One veterinary surgeon;
7. One foreman of each company;
8. One engineer for each steam fire-engine;
9. One substitute engineer and machinist;
10. One driver for each company;
11. One fireman for each steam engine company;
12. One carpenter;

13. One tillerman for each hook-and-ladder company;
14. One steward for each hose company;
15. One janitor and messenger;
16. One clerk.

Paid members of department to give entire time to duties.

Sec. 145. All paid members of said fire department, except the veterinary surgeon, foreman, assistant foreman, company clerks, hosemen, hook-and-ladder-men, and stewards of volunteer companies shall give their undivided attention to their respective duties, but the foreman, assistant foreman, company clerks, hosemen, and hook-and-ladder-men, and stewards of volunteer companies, shall perform such duties as may be prescribed from time to time by said board of fire commissioners and ordered to be executed by the chief engineer.

Certain officers, how appointed.

Sec. 146. The chief engineer, the assistant chief engineer, the superintendent of steam fire-engines, the assistant engineers, the clerk, and all members and employees of the fire department, shall be appointed by the fire commissioners, and retain their positions during good behavior; and it shall be the duty of such fire commissioners, on their first organization under this act, to appoint as members thereof the officers and members of any fire department which shall be in service in any such city, or city and county, at the time of its organization under this act. No officer, member, or employee of said fire department shall be removed for political reasons.

Fire department to consist of what.

Sec. 147. The fire department of such city, or city or county, shall consist of such engine, hook-and-ladder, and hose companies as shall be recommended by the board of fire commissioners, and determined by the municipal council necessary to afford protection against fire; provided, that as an auxiliary thereto patent fire-extinguishers may also be purchased and employed, if, in the judgment of said board, deemed advisable; provided, that no hand-engine shall be purchased for the use of said department, but such as shall be in possession of such city, or city and county, prior to its organization under this act, may be used in such localities and under such regulations as the

board of fire commissioners may prescribe. The companies of said department shall be organized as follows: Each steam fire-engine company shall consist of (1) one foreman, one (1) engineer, one (1) driver, one (1) fireman, and eight (8) hosemen; one (1) of whom shall act as assistant foreman, and one (1) as clerk. Each hook-and-ladder company shall consist of one (1) foreman, one (1) driver, one (1) tillerman, and twelve (12) hook-and-ladder men; one (1) of whom shall act as assistant foreman, and one (1) as clerk. Each hose company shall consist of one (1) foreman, one (1) driver, and one (1) steward, and six (6) hosemen; one (1) of whom shall act as assistant foreman, and one (1) as clerk.

Duties of chief engineer.

Sec. 148. The chief engineer shall be the executive officer of said fire department, and it shall be his duty (and that of the assistant chief engineer and assistant engineers) to see that the laws, orders, rules, and regulations concerning the same are carried into effect, and also to attend to such duties as fire wardens as may be required, and to see that all laws, orders, and regulations established in such city, or city and county, to secure protection against fire, are enforced. It shall also be the duty of the chief engineer to enforce the rules and regulations made from time to time to secure discipline in said fire department, and he shall have power to suspend any subordinate officer, member, or employee for a violation of the same, and shall forthwith report in writing, with his reasons therefor, to the board of fire commissioners for their action. He shall diligently observe the condition of the apparatus and workings of said department, and shall report in writing, at least once in each week, to said board of fire commissioners, upon the same, and make such recommendations and suggestions respecting it, and for securing its greater efficiency, as he may deem proper; and in the absence or inability of the chief engineer to act, the assistant chief engineer shall assume the duties of said office of chief engineer.

Clerk of board, his bond and duties.

Sec. 149. The person elected as clerk by said board of fire commissioners shall, before entering upon the discharge of his duties, execute a bond, with two or more

sureties, in the penal sum of twelve thousand (\$12,000) dollars, for the faithful discharge of his duties, which bond shall be approved by said board of fire commissioners, and the mayor of such city, or city and county, and when so approved shall be filed in the office of the auditor. The amount of said bond may be increased from time to time, when directed by the board of fire commissioners, should it deem it necessary for the public good; said clerk shall attend daily, during office hours, at the office of the board of fire commissioners (which shall be the office of the chief engineer, assistant chief engineer, and assistant engineers); shall perform the duties of clerk to said board and chief engineer, and shall perform such other duties from time to time as said board may prescribe. The clerk and store-keeper for the corporation yard shall, before entering upon his duties, furnish a bond in the sum of ten thousand (\$10,000) dollars, to be approved in the same manner as the bond provided for in this section, to be given by the clerk of said board of fire commissioners, and filed with the auditor.

Property of department, how sold.

Sec. 150. The mayor of such city, or city and county, upon the recommendation of the board of fire commissioners, with the approval of the municipal council, is authorized to sell at private or public sale from time to time any or all of the engines, hose-carriages, engine-houses, lots on which such houses stand, or parts of lots (or to exchange any of said lots, when in their judgment demanded by the public good), or other property which shall not be required for the use of the department, and to execute, acknowledge, and deliver good and sufficient deeds or bills of sale for the same, paying the proceeds of such sales into the county treasury, to the credit of the proper fund.

Appropriation for purchase of horses, supplies, etc.

Sec. 151. The municipal council of such city, or city and county, is hereby authorized and required to appropriate, allow, and order paid annually out of the general fund of such city, or city and county, the salaries hereinafter specified and allowed, and salaries at similar rates to the several officers and men of any additional companies created as aforesaid, and the municipal council is required to appropriate, allow, and order paid, out of the general

fund, a sum not to exceed eighty thousand (\$80,000) dollars annually for running expenses, horse-feed, repairs to apparatus, and for the construction and erection of cisterns and hydrants, and for the erection and repair of buildings, and other expenses of the fire department. To appropriate a sum not to exceed thirty thousand (\$30,000) dollars for the purchase of horses and apparatus for the fire department.

Allowance to disabled member.

Sec. 152. Whenever a member of the paid fire department of such city, or city and county, shall become disabled by reason of injuries received at any fire, so as to be unable to perform his duties, the municipal council, upon the recommendation of the board of fire commissioners, is hereby authorized and empowered to allow said disabled man a sum not exceeding fifty (\$50) dollars per month for not to exceed three (3) months, payable out of the general fund of such city, or city and county, in the same manner and form as other payments are made out of said fund.

"Fireman's Charitable Fund."

Sec. 153. The municipal council shall provide, by ordinance, for the payment into a "Fireman's Charitable Fund" of such city, or city and county, of all moneys received for licenses for the storage, manufacture, or sale of gun-powder, blasting-powder, gun-cotton, fire-works, nitro-glycerine, dynamite, or any explosive oils or compounds, or as a municipal tax upon the same; also all fines collected in the police court, for violations of fire ordinances. Said fund shall be under the direction and control of and subject to such regulations as may be prescribed by the board of fire commissioners.

Assistant foreman and clerk.

Sec. 154. The chief engineer shall have power to appoint one member of each company to act as assistant foreman; also, one member to act as clerk; said clerk to receive five (\$5) dollars per month extra pay.

Organization of board and time of meeting.

Sec. 155. The fire commissioners shall organize said board immediately upon their appointment, and on the first Monday after the first day of January of each and every year thereafter, by selecting one of their num-

ber as president, and they shall meet at least once in each month publicly at their office to transact the business of said fire department; and, in addition to the stated meetings, they shall meet twice in each month for the purpose of investigating charges against officers, members, and employees of said department for violating any of the rules and regulations thereof; and shall hold such intermediate sessions as they shall deem necessary to the proper administration of the fire department. No person shall be eligible to any position in said department who is not a citizen of the United States, or a resident of such city, or city and county, at least two years, nor under twenty-one (21) years of age at the time of his appointment.

Investigations, how conducted.

Sec. 156. In all investigations for violation of the rules and regulations of the fire department, the president of the board of fire commissioners shall have power to issue subpoenas, and administer oaths, and compel the attendance of witnesses before him by attachment or otherwise. All subpoenas issued by him shall be in such form as he may prescribe, and shall be served by any police officer or by any peace-officer of such city, or city and county. Any person who refuses to attend or testify in obedience to such subpoenas shall be deemed guilty of contempt, and be punished by him as in cases of contempt in justices' court in civil cases.

Members, how dismissed.

Sec. 157. No officer, member, or employee of the fire department shall be dismissed unless for cause, nor until after a trial. The accused shall be furnished with a written copy of the charges against him at least five (5) days previous to the day of trial, and he shall have an opportunity to examine witnesses in his behalf, and all witnesses shall be examined under oath, and all trials shall be public.

Workshop at corporation yard.

Sec. 158. The municipal council of such city and county is hereby authorized and empowered to establish and maintain at the corporation yard a workshop for making repairs and improvements upon the apparatus of the fire department, and such workshop and such repairs

and improvements to be under the supervision of the board of fire commissioners, and the municipal council shall allow and order paid, out of the proper fund, all the expenses of such workshops, repairs, and improvements.

Restrictions on members.

Sec. 159. No member of said board of fire commissioners shall, during his term of office, be a member of any party convention, the purpose of which is to nominate candidates for political office, nor shall the officers, members, or employees of said fire department take any part whatever in any partisan convention, held for the purposes of a political party; nor shall any member of the said board of fire commissioners, directly or indirectly, attempt to control or influence the action of any member of said fire department, or any employee thereof, in any primary or general election. No member of the fire department shall levy, collect, or pay any amount of money as an assessment or contribution for political purposes. Any violation of the foregoing provisions of this section shall be deemed a misdemeanor.

Salaries of officers of fire department.

Sec. 160. The salaries of the officers of the fire department shall be paid in monthly installments, and as follows:

1. The salary of the fire commissioners shall be one thousand two hundred dollars per annum;

2. The salary of the chief engineer shall be four thousand dollars per annum;

3. The salary of the assistant chief engineer shall be two thousand four hundred dollars per annum;

4. The salaries of the assistant engineers shall each be one thousand eight hundred dollars per annum;

5. The salary of the superintendent of steam fire-engines shall be two thousand four hundred dollars per annum.

Salaries of employees of fire department.

Sec. 161. The salaries of the members and employees of the fire department shall be paid in monthly installments, and as follows:

1. The salary of assistant superintendent of steam fire-engines shall be one thousand six hundred and eighty dollars per annum;

2. The salary of the clerk and storekeeper for the corporation yard shall be one thousand five hundred dollars per annum;

3. The salary of the corporation yard drayman shall be one thousand and eighty dollars per annum;

4. The salary of the night watchman for the corporation yard shall be nine hundred dollars per annum;

5. The salary of the two hydrantmen shall be one thousand and eighty dollars per annum each;

6. The salary of the veterinary surgeon shall be one thousand two hundred dollars per annum;

7. The salary of the foreman of each company shall be five hundred and forty dollars per annum;

8. The salary of the engineer for each steam fire-engine company shall be one thousand six hundred and eighty dollars per annum;

9. The salary of the substitute engineer and machinist shall be one thousand six hundred and eighty dollars per annum;

10. The salary of the driver for each company shall be one thousand and eighty dollars per annum;

11. The salary of the fireman for each steam fire company shall be one thousand and eighty dollars per annum;

12. The salary of the carpenter for said department shall be one thousand two hundred dollars per annum;

13. The salary of the tillerman for each hook-and-ladder company shall be one thousand and eighty dollars per annum;

14. The salary of the steward for each hose company shall be nine hundred and sixty dollars per annum;

15. The salary of each hoseman and each hook-and-ladder man shall be four hundred and eighty dollars per annum;

16. The salary of the janitor and messenger shall be one thousand two hundred dollars per annum;

17. The salary of the clerk of the board of fire commissioners shall be one thousand eight hundred dollars per annum.

Fire alarm and police telegraph.

Sec. 162. There shall be maintained and provided for by the municipal council in such city, or city and county, a fire-alarm and police telegraph for municipal use, and

the superintendent thereof shall be appointed by the board of fire commissioners, to serve during its pleasure, except that he shall not be removed for political causes, reasons, or purposes. Said superintendent is authorized to appoint the following officers and employees: One chief operator, three operators, one repairer, two assistant repairers, and one batteryman. It shall be the duty of such board, on their first organization under this act, to appoint as officers and employees thereof the officers and employees of any fire-alarm and police telegraph which shall be in service in such city, or city and county, at the time of its organization under this act.

Salaries of officers of fire-alarm, etc.

Sec. 163. The salaries of the officers of said fire-alarm and police telegraph shall be paid in monthly installments, and as follows:

1. The salary of the superintendent shall be two thousand four hundred dollars per annum;

2. The salary of the chief operator shall be one thousand eight hundred dollars per annum;

3. The salary of each of the three operators herein provided for shall be one thousand five hundred dollars per annum;

4. The salary of the repairer shall be one thousand two hundred dollars per annum;

5. The salary of each of the two assistant repairers herein provided for shall be one thousand and eighty dollars per annum;

6. The salary of the batteryman shall be nine hundred dollars per annum.

Appropriation.

Sec. 164. The municipal council shall appropriate such sum as may be necessary, not exceeding fifteen thousand dollars per annum, for the maintenance, repair, and extension of said telegraph, and to defray the cost of instruments and machinery therefor, and for such horses and vehicles as may be necessary for the use of said superintendent.

Board of health, how constituted.

Sec. 165. There shall be a board of health for such city, or city and county, which board shall consist of the mayor of the city and county, and five physicians in good

standing, residing in such city, or city and county, who shall be appointed by the governor, and who shall hold office for the term of four years, and until their successors are appointed and qualified; and in case any vacancy shall at any time occur in said board by removal, or resignation, or otherwise, the same shall be filled by appointment by the governor.

Meetings.

Sec. 166. The mayor of such city, or city and county, shall be ex-officio president of the board of health, and in his absence, at any meeting, the board may elect a chairman, who shall, for the time, be clothed with all the power of the president. Said board shall hold a regular meeting at least once in each month, and at other times, when called thereto by the president, or by a majority of the board.

Jurisdiction of board of health.

Sec. 167. Said board of health is hereby invested with general jurisdiction over all matters appertaining to the sanitary condition of such city, or city and county, and over all quarantine regulations and the enforcement thereof, and hospitals and alms-houses, and all municipal institutions created and maintained for charitable purposes and not herein enumerated, within the corporate limits of such city, or city and county, and adopt such orders and regulations as may be necessary to the complete exercise of the powers hereinbefore enumerated, and may appoint or discharge such attendants and employees as may seem best to promote the public welfare.

Salary.

Sec. 168. The members of said board of health shall receive no salary.

Salaries of officers appointed by board of health.

Sec. 169. Said board of health shall have power to appoint the following officers and employees, who shall receive the salaries hereinafter provided, payable in monthly installments at the end of each month, viz.:

1. One health officer, who shall be the executive officer of said board, at a salary of two thousand four hundred dollars per annum;

2. One quarantine officer; at a salary of one thousand eight hundred dollars per annum;

3. One secretary, at a salary of two thousand four hundred dollars per annum;

4. Six health inspectors and one market inspector, at a salary of one thousand two hundred dollars per annum each; one messenger at nine hundred dollars per annum;

5. One superintendent of the city, or city and county, hospital, who shall be a physician and graduate of some medical college in good standing, at a salary of two thousand four hundred dollars per annum;

6. One resident hospital physician, at a salary of one thousand five hundred dollars per annum;

7. One hospital steward, at a salary of one thousand two hundred dollars per annum;

8. One hospital matron, at a salary of nine hundred dollars per annum;

9. One hospital apothecary, at a salary of one thousand two hundred dollars per annum;

10. One hospital engineer, at a salary of nine hundred dollars per annum;

11. Two physicians and two surgeons, to be selected from the faculty of the medical department of the University of California, and two physicians and two surgeons, to be selected from the faculty of the Pacific Medical College, at such salary as the board of health may designate, not to exceed one thousand two hundred dollars each per annum, as visiting physicians and surgeons to the city, or city and county, hospital;

12. One alms-house superintendent, at a salary of two thousand four hundred dollars per annum;

13. One resident alms-house physician, at a salary of one thousand five hundred dollars per annum;

14. One alms-house matron, at a salary of seven hundred and twenty dollars per annum;

15. One city physician, at a salary not to exceed one thousand eight hundred dollars per annum;

16. One assistant city physician for the industrial school and house of correction, at a salary of one thousand two hundred dollars per annum;

17. One first cook, at a salary of sixty dollars per month;

18. One second cook, at a salary of thirty-five dollars per month;

19. One third cook, at a salary of thirty dollars per month;

20. One baker, at a salary of seventy-five dollars per month;

21. One clerk, at a salary of forty dollars per month;

22. One interpreter, at a salary of forty dollars per month;

23. One ambulance driver, at a salary of forty dollars per month;

24. Sixteen nurses, at a salary of thirty-five dollars each.

Appointing power.

Sec. 170. The appointing power of all and every of the aforesaid officers and employees is vested solely in said board of health, and said board shall have power to prescribe the duties of every and all of said officers and employees, and to remove the same at pleasure; and said board of health is hereby empowered to employ such additional employees as may be necessary to carry out the purposes of this act, at such compensations as said board of health may fix.

Salaries, how paid.

Sec. 171. The salaries of the officers and employees of said board of health, and all other expenses legally incurred by said board under the provisions of this chapter, shall be payable out of the general fund of the treasury of such city, or city and county; and the auditor of such city, or city and county, is hereby directed to audit all such demands, and the treasurer of such city, or city and county, is hereby directed to pay the same out of said general fund. The said board of health shall, annually, upon the third Monday of April of each year, transmit, in writing, to the municipal council of such city, or city and county, an estimate of the amount of money necessary to defray all of the expenditures of said board of health for the next fiscal year; and the board of health shall not expend, in any one fiscal year, an amount exceeding the amount of such estimate so transmitted by said board of health for such fiscal year, allowed upon such estimate by the municipal council, except in case of an epidemic of any contagious disease, when such board of health is hereby authorized to increase such expense as may be deemed necessary for the public safety; and all such expenses shall be payable out of the general fund of such city, or

city and county, at the same time and in the same manner provided for other expenses of said board. Nothing in this act shall be construed to authorize said board of health to contract for or purchase supplies for any of the charitable institutions placed under its control by this chapter. All contracts for any of the work authorized by this chapter to be caused to be performed by said board of health shall be awarded by said board to the lowest responsible bidder, after notice, for not less than five days, in two daily newspapers published in such city, or city and county, under such regulations and requirements as said board of health may adopt.

Restrictions on officers.

Sec. 172. It shall not be lawful for any superintendent, or other principal officer in charge of any alms-house in such city, or city and county, to have or receive any perquisites, or to derive any income or revenue therefrom, either directly or indirectly, other than the salary allowed to him by the board of health; nor shall it be allowable for any subordinate officer or employee to have or receive any perquisites, either directly or indirectly; and it shall be the duty of the board of health to remove any such superintendent, or other principal officer, or any subordinate officer or employee who violates any provision of this section. All fees authorized by any of the provisions of this chapter, to be collected by any officer or employee of the board of health, shall be immediately paid by such officer or employee to the secretary of said board of health, who shall, upon the first Monday of each month, pay the same into the treasury of such city, or city and county, to be credited to the proper fund.

Report of ship-masters of contagious diseases.

Sec. 173. Ship-masters bringing vessels into the harbor of any such city, or city and county, and all masters, owners, or consignees having vessels in such harbor, which have on board any cases of Asiatic cholera, small-pox, yellow, typhus, ship fever, or any other contagious disease, must report the same, in writing, to the quarantine officer before landing any passengers, casting anchor, or coming to any wharf, or as soon thereafter as they, or either of them, become aware of the existence of either of these diseases on board of their vessel.

Restrictions on ship-masters, etc.

Sec. 174. No captain or other officer in command of any vessel sailing under a register, arriving at the port of any such city, or city and county, nor any owner, consignee, agent, or other person having charge of such vessel, must, under a penalty of not less than one hundred dollars nor more than one thousand dollars, land, or permit to be landed, any freight, passengers, or other persons from such vessels, until he has reported to the quarantine officer, presented his bill of health, and received a permit from that officer to land freight, passengers, and other persons.

Duty of pilot.

Sec. 175. Every pilot who conducts into the port of any such city, or city and county, any vessel subject to quarantine, or examination by the quarantine officer, must:

1. Bring the vessel no nearer such city, or city and county, than is allowed by law;
2. Prevent any person from leaving such vessel, and any communication being made with the vessel under his charge, until the quarantine officer has boarded her and given the necessary orders and directions;
3. Be vigilant in preventing any violation of the quarantine laws, and report, without delay, all such violations that come to his knowledge, to the quarantine officer;
4. Present the master of the vessel with a printed copy of the quarantine laws, unless he has one;
5. If the vessel is subject to quarantine, by reason of infection, place at the masthead a small yellow flag.

Duty of master of vessel.

Sec. 176. Every master of a vessel subject to quarantine, or visitation by the quarantine officer, arriving in the port of any such city, or city and county, who refuses or neglects either:

1. To proceed with and anchor his vessel at the place assigned for quarantine, when legally directed so to do; or,
2. To submit his vessel, cargo, and passengers to the quarantine officers, their inspection, examination, and direction, and furnish all necessary information to enable that officer to determine to what quarantine or other regulations they might respectively be subject; or,

3. To report all cases of disease and of death occurring on his vessel, and to comply with all the sanitary regulations of such port or harbor;

Is liable in the sum of five hundred dollars for every such neglect or refusal.

Master of infected vessel must report.

Sec. 177. All vessels arriving off the port of any such city, or city and county, from ports which have been legally declared infected ports, and all vessels arriving from ports where there is prevailing, at the time of their departure, any contagious, infectious, or pestilential diseases, or vessels with decaying cargoes, or which have usually foul or offensive holds, are subject to quarantine, and must be by the master, owner, pilot, or consignee reported to the quarantine officer without delay. No such vessel must pass within the bounds prohibited them by the board of health, until the quarantine officer has boarded her and given the order required by law.

Duty of quarantine officer.

Sec. 178. The quarantine officer must board every vessel subject to quarantine or visitation by him, immediately on her arrival, make such examinations and inspection of vessels, books, papers, or cargo, or of persons on board, under oath, as he may judge expedient, and determine whether the vessel should be ordered to quarantine, and if so, the period of quarantine.

Masters of certain vessels not to permit landing until he receive permit.

Sec. 179. No captain, or other officer, in command of any passenger-carrying vessel of more than one hundred and fifty tons burden, nor of any vessel of more than one hundred and fifty tons burden having passengers on board, nor any consignee, owner, agent, or other persons having charge of such vessel or vessels, must, under a penalty of not less than one hundred dollars nor more than one thousand dollars, land, or permit to be landed, any passenger from the vessel until he has presented his bill of health to the quarantine officer and received a permit from that officer to land such passengers, except in such cases as the quarantine officer deems it safe to give the permit before seeing the bill of health.

Fees.

Sec. 180. The following fees shall be collected by the quarantine officer for giving a permit to land freight or passengers, or both: From any sailing vessel of less than five hundred tons burden, from any port out of this state, two dollars and fifty cents; five hundred and under one thousand tons burden, five dollars; each additional one thousand tons burden, or fraction thereof, an additional two dollars and fifty cents; for steam-vessels, propelled in whole or in part by steam, of one thousand tons burden or less, five dollars, and two dollars and fifty cents additional for each additional one thousand tons burden or fraction thereof. But vessels not propelled in whole or in part by steam, sailing to and from any port or ports of the Pacific states of the United States or territories, and whaling vessels entering the harbor of any such city and county, are excepted from the provisions of this section.

Duty of board of health.

Sec. 181. The board of health may enforce compulsory vaccination on passengers or [on] variola-infected ships, or coming from ports infected with the same.

Same.

Sec. 182. The board of health shall establish quarantine grounds at such points and places as in its judgment may best conduce to public safety; may provide suitable hospitals whenever the same are required for the public safety, and furnish and supply the same with nurses and attaches, and remove thereto all persons afflicted with cholera, small-pox, yellow, typhus, ship fever, or other contagious diseases; provided, said quarantine grounds and hospitals shall not be established within one mile of the mainland on the north side of the bay of San Francisco.

Duty of board of health.

Sec. 183. The board of health must cause to be kept a record of all births, deaths, and interments occurring in such city, or city and county, coming under the provisions of this chapter. Such records, when filed, must be deposited in the office of the city, or city and county, recorder, and produced when required for public inspection.

Duty of physicians and midwives.

Sec. 184. Physicians and midwives must, on or before the fourth day of each month, make a return to the health-officer of all births, deaths, and the number of still-born children occurring in their practice during the preceding month. In the absence of such attendants, the parents must make such report within thirty days after the birth of the child. Such returns must be made in accordance with rules adopted by, and upon blanks furnished by, the board of health.

Human bodies not to be buried without permit.

Sec. 185. No person shall deposit in any cemetery, or inter in any such city, or city and county, any human body, without first having obtained and filed with the health-officer a certificate, signed by a physician or midwife, or coroner, setting forth as near as possible the name, age, color, sex, place of birth, occupation, date, locality, and the cause of death of deceased, and obtain from such health officer a permit. The physicians, when death occurs in their practice, must give the certificate herein mentioned. It shall be the duty of the said board of health to see that the dead body of a human being is not allowed to remain in any public receiving vault for a longer period than five days. At the expiration of that time it shall cause the body to be buried, or to be placed in a vault or niche, constituted of brick, stone, or iron, and hermetically sealed. It shall also be the duty of said boards to require all persons having in charge the digging of graves, and the burial of the dead, to see that the body of no human being who has reached ten years of age shall be interred in a grave less than six feet deep, or if under the age of ten years, the grave to be not less than five feet deep. The board of health shall have entire charge of all cemeteries belonging to such city, or city and county, and may employ a superintendent thereof, at a salary not to exceed seventy-five dollars per month, the same to be paid out of the general fund as the salaries of the other employees are paid.

Duty of superintendent of cemeteries.

Sec. 186. Superintendents of all cemeteries in any such city, or city and county, must return to the health-officer, on each Monday, the names of all persons interred or

deposited within their respective cemeteries during the preceding week, and no superintendent of a cemetery, or any other person, can remove, or cause to be removed, or cause to be disinterred, any human body or remains that have been deposited in a cemetery, without a permit therefor from the health-officer, or by order of the coroner.

Human body not to be disinterred without permit.

Sec. 187. It shall be unlawful to disinter or exhume from a grave, vault, or other burial-place within the limits of such city, or city and county, the body or remains of any deceased person, unless a permit for so doing shall have first been obtained from the health-officer of such city, or city and county. Nor shall any body or remains disinterred, exhumed, or taken from any grave, vault, or other place of burial or deposit, be transported in or through the streets or highways of any such city, or city and county, unless the person or persons removing or transporting such body or remains shall first obtain from the health-officer a permit, in writing, therefor, as aforesaid. But when an applicant for a permit to disinter a body shall desire to remove said body beyond the limits of such city, or city and county, and shall so state on making application, the permit, if the same be issued, shall include the right to disinter and remove, and said permit shall accompany the remains.

Discretion of health-officer.

Sec. 188. Permits to disinter or exhume the bodies or remains of deceased persons and to transport the same, or to exhume, or to transport, as in the last section provided, may be granted, in the discretion of the health-officer, and under such restrictions and conditions only as he, in his judgment, may affix, so as in the best possible manner to protect the public health. The health-officer shall prepare a book of blank permits in proper form, and consecutively numbered, containing stubs, on which, as well as in the permit, shall be entered a record of the transaction, giving the name, age, sex, nativity, date of death, destination of remains sought to be removed, and upon granting each permit shall be required to be paid to him the sum of ten dollars therefor, for the use and benefit of the general fund of such city, or city and county.

Penalty of disinterring without permit.

Sec. 189. Any person or persons who shall disinter, exhume, or remove, or cause to be disinterred, exhumed, or removed, from a grave, vault, or other receptacle or burial-place, the remains of a deceased person, without a permit therefor, shall be guilty of a misdemeanor, and be punished by fine not less than fifty dollars nor more than five hundred dollars, or imprisonment in the county jail for not less than thirty days nor more than six months, or by both such fine and imprisonment.

Penalty for transporting body without permit.

Sec. 190. Any person or persons who shall transport, or cause to be transported, on or through the streets or highways of any such city, or city and county, the body or remains of a deceased person which has been disinterred or exhumed without a permit therefor, in accordance with this chapter, shall be guilty of a misdemeanor, and be punished as provided in the preceding section.

Exception.

Sec. 191. Nothing in this chapter contained shall be taken to apply to the removal of the remains of the deceased person from one place of interment to another place of interment, or cemetery, within this state.

Penalties.

Sec. 192. No person, master, captain, or conductor in charge of any boat, vessel, or railroad car, or public or private conveyance, shall receive for transportation, or shall transport, the body of any person who has died within the limits of such city, or city and county, without said body is accompanied by a permit for such transportation from the health-officer, which permit shall accompany the body to its destination; and no person, master, captain, or conductor, as aforesaid, shall bring into or transport through any such city, or city and county, the dead body or remains of any person unless it be accompanied with a certificate from some proper authority of the place from whence it came, stating the name, age, sex, and cause of death, which certificate shall be filed at the health-office; provided, that in no case shall the body of any person who died of contagious disease be brought to such city, or city and county, within one year after the day of death.

Nuisances, how abated.

Sec. 193. Whenever a nuisance shall exist on the property of any non-resident, or any property the owner or owners of which cannot be found by either health inspector, after diligent search, or on the property of any owner or owners upon whom due notice may have been served, and who shall for three days refuse or neglect to abate the same, or any property belonging to such city, or city and county, it shall be the duty of the board of health to cause the said nuisance to be at once removed or abated, and to draw upon the general fund in such sums as may be required for such removal or abatement, not to exceed two hundred dollars; provided, that whenever a larger expenditure is found necessary to be made in the removal or suppression of any nuisance, the municipal council of such city, or city and county, shall, upon the written application of the board of health, by ordinance, appropriate, allow, and order paid, out of the general fund, such sum or sums as may be necessary for that purpose; provided further, that in all cases where such expenditure will exceed five hundred dollars, no appropriation shall be made for that purpose unless the city, or city and county, attorney shall first give his opinion in writing that such expenditure would be a legal charge against the property affected thereby. And the auditor shall audit and the treasurer shall pay all appropriations of money made in pursuance of this section, in the same manner as is now provided by law for auditing and paying demands upon the treasury.

Fee-book open to public inspection.

Sec. 194. The health-officer and the quarantine officer must each keep a book open to public inspection, in which must be entered daily all fees collected by them, and they must pay all fees collected to such city, or city and county, treasurer, daily, to the credit of the general fund.

Bond of health-officer.

Sec. 195. The health-officer must execute an official bond, with two sureties, to be approved by the board of health, in the sum of ten thousand dollars; and the quarantine officer must execute a like official bond, with two sureties, in the sum of ten thousand dollars; which bonds

shall be filed with the auditor of such city, or city and county.

Who may administer oaths.

Sec. 196. Any member of the board of health, the health-officer, and the quarantine officer, and the secretary of the board of health, is hereby authorized to administer oaths on business connected with the health department.

Suits, where maintained.

Sec. 197. Whenever any cause of action arises under any of the provisions of this chapter relating to the health department, suit may be maintained thereon in the name of the health or quarantine officer, as the case may be, in any superior court or justice's court of this state.

Duty of physicians in certain cases.

Sec. 198. Every physician in any such city, or city and county, shall report to the health-officer, in writing, every patient he shall have laboring under Asiatic cholera, variola, diphtheria, scarlatina, or other contagious diseases, immediately thereafter, and report to the same officer every case of death from such disease.

Duty of householders in certain cases.

Sec. 199. Every householder in any such city, or city and county, shall forthwith report, in writing, to the health-officer the name of every person boarding, or an inmate of his or her house, whom he or she shall have reason to believe sick of cholera, or small-pox, and any deaths occurring at his or her house from such disease.

Park commissioners, how appointed and their duties.

Sec. 200. There shall be a board of park commissioners of such city, or city and county, consisting of three persons, to be appointed by the governor of this state, who shall hold their office for four years, and who shall receive no compensation for their services. In case of a vacancy, the same shall be filled by the remaining members of the board for the residue of the term then vacant; and all vacancies occasioned by expiration of terms of office, or neglect, or incapacity, shall be filled by the governor aforesaid. Each of said commissioners shall be a freholder and resident of such city, or city and county. Said board shall have full and exclusive control and management of

all the parks of such city, or city and county, which at the time of the organization of such city, or city and county, under this act, were treated and improved as public parks, with the avenues and great highways connected therewith. Two of said commissioners shall constitute a quorum to do business, but no money shall be expended or contract entered into authorizing the expenditure of money without the approval of the mayor and a majority of said board of park commissioners.

Powers.

Sec. 201. Said board shall have power to govern, manage, and direct said parks and avenues leading thereto as have heretofore been operated or managed in connection therewith; to lay out, regulate, and improve such parks and avenues; to pass ordinances for the regulation and government of the same; to appoint one general superintendent, who shall perform the duties of overseer and managing gardener, who shall receive a salary of two thousand four hundred dollars per annum. The city, or city and county, surveyor shall be ex-officio engineer of the works, and shall perform such engineering work as the commissioners may require of him. Prisoners over the age of twenty-one years, sentenced to hard labor in any of the jails, prisons, houses of correction, work-houses, or other penal establishments of such city, or city and county, may be put to work upon the parks. The commissioners may employ such other laborers as shall be necessary, within the amount allowed by law to be expended on said parks, at wages not to exceed the current wages paid in such city, or city and county, for labor. They shall in no year incur any debt or deficit, nor expend any money beyond the amount realized by the tax herein provided for. All persons violating any of the ordinances of the commissioners regulating the parks shall be deemed guilty of misdemeanor, and punished accordingly.

Taxes for park improvement, how levied.

Sec. 202. The municipal council shall have the power to levy and collect, in the mode prescribed by law for the levy and collection of taxes, each year, upon all property in such city, or city and county, the sum of one and one-half cents upon each one hundred dollars valuation of taxable property therein, for the purpose of preserving and

improving the parks and avenues under control and management of said commissioners. Said money shall be paid into the treasury, and paid out for said purpose; all claims to be first allowed by said commissioners and audited by the auditor. The jurisdiction of the park commissioners shall not extend to unimproved parks, nor squares and places not hitherto treated as parks, unless extended thereto by an ordinance of the municipal council. The commissioners may lease, for terms not to exceed three years, any portion of said grounds not immediately required for improvement, the proceeds to go to the improvement of the parks and avenues.

Reports of park commissioners.

Sec. 203. The park commissioners shall make semi-annual reports to the mayor and municipal council of all their proceedings, and a detailed statement of all the receipts and expenditures.

Duties of mayor and other officers in reference to contracts.

Sec. 204. The mayor shall see that all contracts and agreements with the city are faithfully kept and performed, and to this end he shall cause legal proceedings to be instituted and prosecuted against all persons or corporations failing to fulfill their agreements. And it is the duty of any and every city, or city and county, officer, when it shall come to his knowledge that any contract with such city, or city and county, relating to the business of any office whatever, has been or is about to be violated by the other contracting party, forthwith to report the fact to the mayor. A failure to do so shall be a sufficient cause for the removal of any officer of any department. The mayor shall give a certificate, on demand, to any officer giving such information that he has done so, which certificate shall be evidence in exoneration from a charge of neglect of such duty. The city, or city and county, attorney shall prosecute all suits so ordered by the mayor.

ARTICLE V.—JUDICIAL DEPARTMENT.

Number and jurisdiction of justices.

Sec. 212. There shall be in and for such city, or city and county, one justices' court, composed of six justices of the peace, which shall have the powers and jurisdic-

tion prescribed and conferred by law upon justices of the peace and justices' courts, in such city, or city and county. All actions, suits, and proceedings whereof justices of the peace and justices' courts in such city, or city and county, have jurisdiction, shall be commenced, entitled and prosecuted in said court. Such court shall be always open, non-judicial days excepted, and causes therein may be tried before the presiding justice, before any one of the justices before whom the original process may be made returnable, or to whom the cause may be assigned or transferred for trial.

Presiding justice.

Sec. 214. The board of aldermen shall appoint one of the justices of the peace to be presiding justice, who, as such, shall hold office until his successor shall in the same manner be appointed; and any one of the other justices may attend, preside and act as presiding justice during the temporary absence or disability of the justice so appointed. The board of aldermen, within ten days after its organization as such board, shall appoint a justices' clerk, who shall hold office during the pleasure of the appointing power. The clerk shall take the constitutional oath of office, and give bond, with at least two sufficient sureties, to be approved in the same manner as the official bond of other officers of such city, or city and county, in the sum of not less than fifteen thousand dollars, payable to the city, or city and county, conditioned for the faithful discharge of the duties of his office, and well and truly to account for and pay into the treasury of such city, or city and county, as required by law, all moneys by him collected or received, and by law designated for that use. A new or additional bond may be required by the municipal council whenever it deems it necessary; and on failure to furnish such new or additional bond within five days after it shall be required, the office shall become vacant. The justices' clerk shall have authority to administer oaths, and take and certify affidavits in any action, suit or proceeding in all courts in such city, or city and county, and to appoint two deputy clerks, for whose acts he shall be responsible on his official bond; the said deputy clerks to hold office during the pleasure of said clerk. Said deputy clerks shall have the same power as the said clerk, except that of appointment.

Offices for justices, and office hours.

Sec. 215. The municipal council of such city, or city and county, shall provide, in some convenient locality in the city, or city and county, a suitable office, or suite of offices, for said presiding justice, justices' clerk, deputy clerk, and deputy sheriff, and offices suitable for holding sessions of said court, and separate from one another, for each of said justices of the peace, together with attendants, furniture, fuel, lights and stationery, sufficient for the transaction of business; and if they are not provided, the court may direct the sheriff to provide the same, and the expenses incurred, certified by the justices to be correct, shall be a charge against the city, or city and county, treasury and paid out of the general fund thereof. The said justices, justices' clerk and deputy clerk, shall be in attendance at their respective offices for the dispatch of official business daily, from the hour of nine o'clock A. M. until five o'clock P. M.

Legal process, how issued.

Sec. 216. All legal process of every kind in actions, suits or proceedings in said justices' court, for the issue of service of which any fee is or may be allowed by law, shall be issued by the said justices' clerk, upon the order of the presiding justice, or upon the order of one of the justices of the peace, acting as presiding justice, as in this chapter provided; and the fees for issuance and service of all such process, and all other fees which are allowed by law for any official services of justices, justices' clerk, or sheriff, shall be exacted and paid in advance into the hands of said clerk, and be by him daily, weekly or monthly, as the municipal council may require, and before his salary shall be allowed, accounted for in detail, under oath, and paid into the treasury of such city, or city and county, as part of the special fee fund thereof; provided, that such payment in advance shall not be exacted from parties who may prove, to the satisfaction of the presiding justice, that they have good cause of action, and that they are not of sufficient pecuniary ability to pay the legal fees; and no judgment shall be rendered in any action before said justices' court, or any of said justices, until the fees allowed therefor, and all fees for previous services therein, which are destined to be paid into the treasury, shall

have been paid, except in cases of poor persons, as hereinbefore provided.

Sheriff and deputies for justices' courts.

Sec. 217. The sheriff of such city and county shall be ex-officio an officer of said court, and it shall be his duty to serve or execute, or cause to be served and executed, each and every process, writ, or order that may be issued by said justices' court; provided, that a summons issued from said court may be served and returned as provided in section eight hundred and forty-nine of the Code of Civil Procedure; and that subpoenas may be issued by the justices' clerk, and served as provided in sections nineteen hundred and eighty-seven and nineteen hundred and eighty-eight of the Code of Civil Procedure. The said sheriff may appoint, in addition to the other deputies allowed by law, three deputies, whose duty it shall be to assist said sheriff in serving and executing the process, writs, and orders of the said justices' court. Said deputies shall receive a salary of not to exceed one hundred and twenty-five dollars per month each, payable monthly, out of the city and county treasury, and out of the special fee fund, after being first allowed and audited as other demands are by law required to be audited and allowed. One of said deputies shall remain in attendance during the sessions of said court, and at such other times as the said court or the presiding justice thereof may order and direct, for the purpose of attending to such duties as may be imposed on said sheriff or said deputies, as herein provided or required by law. The said sheriff shall be liable on his official bond for the faithful performance of all duties required of him or any of his said deputies.

Style of action.

Sec. 218. All actions, suits, and proceedings in such city, or city and county, whereof justices of the peace or justices' courts have jurisdiction, except those cases of concurrent jurisdiction that may be commenced in some other court, shall be entitled: "In the justices' court of the city of — (or the city and county of —)," (inserting the name of the city, or city and county), and commenced and prosecuted in said justices' court, which shall be always open. The original process shall be returnable, and the parties summoned required to appear, before the presiding

justice, or before one of the other justices of the peace, to be designated by the presiding justice at his office; but all complaints, answers, and other pleadings and papers required to be filed, shall be filed and a record of all such actions, suits, and proceedings made and kept in the clerk's office aforesaid; and the presiding justice, and each of the other justices, shall have power, jurisdiction, and authority to hear, try, and determine any action, suit, or proceeding so commenced, and which shall have been made returnable before him, or may be assigned or transferred to him, or any motion, application, or issue therein (subject to the constitutional right of trial by jury), and to make any necessary and proper orders therein.

In case of disability of justice, case to be tried before another justice.

Sec. 219. In case of sickness, or disability, or absence of a justice of the peace (on the return of a summons, or at the time appointed for trial) to whom a cause has been assigned, the presiding justice shall reassign the cause to some other justice, who shall proceed with the trial and disposition of said cause in the same manner as if originally assigned to him; and if, at any time before the trial of a cause or matter returnable or pending before any of said justices, either party shall object to having the cause or matter tried before said justice on the ground that such justice is a material witness for either party, or on the ground of the interest, prejudice, or bias of such justice, and such objection be made to appear in the manner prescribed by section eight hundred and thirty-three of the Code of Civil Procedure, the said justice shall suspend proceedings, and the presiding justice, on motion and production before him of the affidavit and proofs, shall order the transfer of the cause or matter for trial before some other justice, to be designated by him. The presiding justice may, in like manner, assign or transfer any contested motion, application, or issue in law, arising in any cause, returnable or pending before him or any other justice, to some other justice, and the said justice to whom any cause, matter, motion, application, or issue shall be so as aforesaid assigned or transferred, shall have power, jurisdiction, and authority to hear, try, and determine the same accordingly.

Certain cases to be certified to superior court by presiding justice, and justices' clerk.

Sec. 220. Cases which, by the provisions of law, are required to be certified to the superior court, by reason of involving the question of title or possession of real property, or the legality of any tax, impost, assessment, toll, or municipal fine, shall be so certified by the presiding justice and justices' clerk; and for that purpose, if such question shall arise on the trial while the case is pending before one of the other justices, such justice shall certify the same to the presiding justice. All abstracts and transcripts of judgments and proceedings in said court, or in any of the dockets or registers of or deposited in said court, shall be given and certified from any of such dockets or registers and signed by the presiding justice and clerk, and shall have the same force and effect as abstracts and transcripts of justices of the peace in other cases. Appeals from judgments rendered in said court shall be taken and perfected in the manner prescribed by law, and the notice of appeal and all papers required to be filed to perfect it shall be filed with the justices' clerk. Statements on appeal shall be settled by the justice who tried the cause. Sureties on appeal, or on any bond or undertaking given in any cause or proceeding in said court, when required to justify, may justify before any one of the justices.

Jurisdiction.

Sec. 221. The jurisdiction of the justices' court of such city, or city and county, extends to the limits of the city, or city and county, and its process may be served in any part thereof.

Powers of associate justices.

Sec. 222. The presiding justice, whenever in his judgment the prompt dispatch of business shall demand it, may require the aid of one of the justices of the peace in the discharge either of his own duties or those of the justices' clerk (the collection of fees, accounting for, and paying the same into the treasury excepted), and each of the justices, when so required, shall, for the purpose, have the same power and authority as the presiding justice or clerk in whose aid he shall act; and any one of the justices, when required as aforesaid, may act as a justices'

clerk pro tempore during the temporary absence or disability of such clerk, with the same powers, duties, and responsibilities.

"Justices' Docket."

Sec. 223. In a suitable book, strongly bound, the justices' clerk shall keep a permanent record of all actions, proceedings, and judgments commenced, had, or rendered in said justices' court, which book shall be a public record, and be known as the "Justices' Docket," in which docket the clerk shall make the same entries as are provided for in section nine hundred and eleven of the Code of Civil Procedure, and which said docket and entries therein shall have the same force and effect as is provided by law in reference to dockets of justices of the peace. To enable the clerk to make up such docket, each of the justices shall keep minutes of his proceedings in every cause returnable before, or assigned or transferred to, him for trial or hearing; and upon judgment, or other disposition of a cause, such justice shall immediately certify and return the said minutes, together with all pleadings and papers in said cause, to the clerk's office, who shall immediately thereupon file the same, and make the proper entries under the title of the action in the docket aforesaid.

Procedure.

Sec. 224. The justices' court and the justices of the peace of every such city and county shall be governed in their proceedings by the provisions of law regulating proceedings before justices of the peace, so far as such provisions are not altered or modified in this chapter, and the same are or can be made applicable in the several cases arising before them. The justices' court of such city, or city and county, shall have power to make rules, not inconsistent with the constitution and laws, for the government of such justices' court and the officers thereof; but such rules shall not be in force until thirty days after their publication; and no rule shall be made imposing any tax or charge on any legal proceeding, or giving any allowance to any justice or officer for services.

New justices' court a continuation of old.

Sec. 225. All actions and proceedings pending and undetermined before the justices' court of such city, or city

and county, if any, at the time of its organization under this act, shall be proceeded in, heard, and determined before the court herein provided for, and execution shall be issued thereon, and other proceedings had therein, whether before or after judgment, whether on appeal or otherwise; and the court provided for under this act shall be deemed to be a continuation of the same court before existing, and not a new court.

Prohibition to practice by justices.

Sec. 226. It shall not be lawful for any justice of the peace, the justices' clerk, or the sheriff, or any of his deputies, of such city, or city and county, to appear or advocate, or in any manner act as attorney, counsel, or agent for any party or person in any cause, or in relation to any demand, account, or claim, pending, or to be sued or prosecuted before said justices, or any of them, or which may be within their jurisdiction. A violation of the provisions of this section shall be deemed a misdemeanor in office.

Qualifications of attorneys.

Sec. 227. No person other than an attorney at law, duly admitted and licensed to practice in courts of record, shall be permitted to appear as attorney or agent for any party in any cause or proceeding before said justices, or any of them, unless he produce a sufficient power of attorney to that effect, duly executed and acknowledged before one of said justices, or before some other officer authorized by law to take acknowledgment of deeds; which power of attorney, or a true copy thereof, duly certified by one of the justices aforesaid (who, on inspection of the original, shall attest to its genuineness), shall be filed among the papers in such cause or proceeding.

Appointment of additional justices.

Sec. 228. If, at the time of the organization of any such city, or city and county, under this act, there shall not be the complement of justices of the peace provided for in this chapter, the municipal council of such city, or city and county, shall appoint a suitable person or persons to fill such complement and the person or persons so appointed shall hold office from his or their appointment, and until his or their successor or successors is or are elected or appointed and qualified.

Police court.

Sec. 229. The judicial power of such city, or city and county, shall be vested in a "police court," to be held therein by the police judges. The police court shall not be a court of record. Said court shall have a seal. The judges of said court may hold as many sessions of said court at the same time as there are judges thereof. There shall be two departments of said court, denominated, respectively, Department One and Department Two. The court may sit in departments, and shall be always open for the transaction of business. There shall be, as far as practicable, an equal distribution of cases between the said departments, which cases shall be alternately set down for trial to each department in the order in which the warrants are issued or proceedings brought before the court. Said judges shall, as soon as may be after the commencement of the terms of their office, classify themselves by lot for assignment to said departments, and shall be thereby assigned accordingly.

Power and jurisdiction of police court.

Sec. 230. All the power and jurisdiction of said court shall be enjoyed and may be exercised in bank, or in either department thereof. All the powers of said judges may be exercised by either of them.

Same.

Sec. 231. The police court of such city, or city and county, shall have jurisdiction:

1. Of an action or proceeding for the violation of any ordinance of such city, or city and county;
2. Of proceedings respecting vagrants and disorderly persons.

Same.

Sec. 232. The police court shall have jurisdiction of the following public offenses committed in such city, or city and county:

1. Petit larceny; receiving stolen property, when the amount involved does not exceed fifty dollars;
2. Assault and battery, not charged to have been committed upon a public officer in the discharge of his duties or with intent to kill;

3. Breaches of the peace, riots, affrays, committing willful injury to property, and of all misdemeanors punishable by a fine not exceeding one thousand dollars, or by imprisonment not exceeding one year, or by both such fine and imprisonment;

4. Said court or judges shall have jurisdiction of proceedings for security to keep the peace; and also, throughout such city and county, the same powers and jurisdiction, in other criminal actions, cases, prosecutions, and proceedings as are now or hereafter may be conferred by law upon police or justices' courts.

Power to hold examinations.

Sec. 233. The judges of said court shall have power to hear cases for examinations, and may commit and hold the offender to bail for trial in the superior court, and may try, condemn, or acquit, and carry their judgment into execution, as the case may require according to law, and shall have power to issue warrants of arrest, subpoenas, and all other process necessary to the full and proper exercise of their power and jurisdiction.

May commit to home of inebriate.

Sec. 234. Said court or judges shall also have power to commit to the home for the care of the inebriate, when any such institute may be established, any person who may be convicted before them of habitual intemperance, for a term not exceeding six months, or until sooner released by order of the police judges, or by the board of managers of such institution by a two-thirds vote of all the members of said board.

When may commit to industrial schools.

Sec. 235. The said court or judges shall have the power to commit all offenders duly convicted, under eighteen years of age, to the industrial school of said city and county, in all cases where such commitment shall by said court or judge be deemed to be more suitable than the punishment otherwise provided by law, not to exceed six months. If, upon any trial, it shall appear that the person on trial is under fourteen years of age, and has done an act which if done by a person of full age would warrant a conviction of the crime of misdemeanor charged, then and in that case said court or judges shall have power to

commit such child to the industrial school. In either case said court or judges may sentence such person to be confined in the correctional department of said industrial school for any term not exceeding six months. Upon application of the mayor, or any member of the supervisors, or of any three citizens, charging that any child under eighteen years of age lives an idle, or dissolute life, and that his parents are dead, or, if living, do, from drunkenness or other vices or causes, neglect to provide any suitable employment, or exercise salutary control over such child, the said court or judges shall have power to examine the matter, and upon being satisfied of the truth of such charges, may sentence such child to the industrial school; provided, that no person shall be so sentenced for a longer period than until he arrive at the age of eighteen years.

May sentence to labor on public works, etc.

Sec. 236. In cases where, for any offense, the said court or judges are authorized to impose a fine, or imprisonment in the county jail, or both, it or they may instead sentence the offender to be employed at labor on the public works, or in the house of correction or work-house as the supervisors may prescribe, for a period of time equal to the term of imprisonment which might legally be imposed, and may, in case a fine is imposed, embrace as a part of the sentence that in default of payment thereof the offender shall be obliged to labor on said works, at said house of correction or work-house, or elsewhere, at the rate of one dollar a day, till the fine imposed is satisfied; provided, that no person under the age of twenty-one years, or who is to be sentenced, on conviction for drunkenness or breach of the peace, shall be sentenced to labor upon the public works away from the house of correction or work-house.

Punishment of contempt.

Sec. 237. The said court and judges may punish contempts in the same manner and to the same extent as superior courts, and the laws concerning contempts applicable to superior courts shall be applicable to said police court and judges.

Record to be kept by county clerk.

Sec. 238. The county clerk shall keep a record of the

proceedings of the police court, issue all process ordered by said court, and shall render to the auditor, monthly, and before any amount can be paid to him on account of his salary, an exact and detailed account, upon oath, of all fines imposed, and all bail forfeited, and moneys collected, as clerk of said court, since his last account rendered. He shall prepare bonds, justify and accept bail, when the amount has been fixed by the police judges, in cases not exceeding one thousand dollars, and he shall fix, justify, and accept bail after arrest, in the absence of the police judges, in all cases not amounting to a felony, in the same manner and with the like effect as if the same had been fixed by the police judges or police court. The county clerk shall appoint three deputy clerks, who shall act as deputy clerks of said police court. The clerk and the deputy clerks in this section mentioned shall have authority to administer oaths and affirmations, and take and certify affidavits in any proceeding in said police court, in and for said city and county, and to issue subpoenas.

Office hours.

Sec. 239. The police judges and the deputy clerks shall attend at the court-rooms of said court for the dispatch of business daily, from the hour of nine o'clock A. M. until five o'clock P. M., and during such other reasonable hours as may be necessary for the discharge of their respective duties, except on legal holidays.

Payment of fines by clerk into treasury.

Sec. 240. The county clerk, as clerk of the police court, shall pay to the treasurer of said city and county, immediately, all fines collected and bail forfeited, accompanied by a verified written statement showing from whom each fine was collected, when collected, in what case, specifying the offense, and in what amount, and in what case and by whom such bail was forfeited. He shall immediately upon the forfeiting of any bail bond in the police court, transmit to the district attorney a copy of such bail bond, duly certified by him under the seal of that court to be a true copy, stating in such certificate the fact of such forfeiture, and the date thereof.

Justice of the peace may preside in police court.

Sec. 241. Any justice of the peace of the said city and county who may be designated, in writing, by the mayor for

the purpose, shall have power to preside in and hold the police court of said city and county, or any department thereof, in the event of the temporary absence of the police judges, or either of them, or of their inability to act from any cause; and during such temporary absence or disability the justice so designated shall act as police judge, and shall have and exercise all the powers, jurisdiction, and authority which are or may be by law conferred upon said court or judges.

Duty of assistant district attorney.

Sec. 242. It shall be the duty of the assistant district attorneys, acting in the police court, or either and each of them, whenever they shall have been credibly informed that any person criminally injured by another is likely to die, to take the dying statement of such person, and to immediately reduce the same to writing. It is also hereby made the duty of attending physicians, and others knowing of such cases, to report the same immediately to such assistant district attorneys.

Attorney before police court.

Sec. 243. No person shall be permitted to act as attorney or counsel before the police court or the police judges, unless he shall be an attorney and counselor admitted to practice in the supreme court of this state.

Bailiffs for court.

Sec. 244. The chief of police shall designate two or more policemen, who shall attend constantly upon the police court, act as bailiffs therein, and execute the orders and process of said court and the judges thereof.

Abolition of courts and transfer of records.

Sec. 245. The police judge's court and the police judge's court number two of said city and county, and the offices of the judges thereof, shall be abolished at twelve o'clock noon, of the first Monday after the first day of January, in the year eighteen hundred and eighty-five, and at that time all records, registers, dockets, books, papers, actions, warrants, judgments, and proceedings lodged, deposited, or pending before the said last-mentioned courts, or the judges thereof, shall be by force hereof transferred to said police court, which police court and the police judges herein provided for shall have the same power and

jurisdiction over them as if they had been in the first instance lodged, deposited, or commenced in said police court, or before the judges last aforesaid; but nothing herein contained shall affect any judgment rendered or proceeding had before that time in said police judge's court or said police judge's court number two, or before the judges thereof, or either of them.

Interpreters.

Sec. 246. There shall be appointed by the judges of the superior court of such city and county five competent persons deputies to act as interpreters and translators of the following languages: French, German, Italian, Spanish, Portuguese, Chinese, and Sclavonian. The said deputies shall each receive a salary of one thousand two hundred dollars per annum, which shall be paid in the same manner as the salaries of other officers are paid. It shall be the duty of each of said deputies to attend in all the courts in and for such city and county, when required by any of the judges thereof, without further compensation than the salaries above provided.

ARTICLE VI.—EDUCATIONAL DEPARTMENT.

Boards of education.

Sec. 247. There shall be a board of education for such city, or city and county, which shall be composed of twelve school directors, elected as provided in this chapter, who shall hold office for two years, and until their successors are elected and qualified. They shall have the same qualifications as to eligibility requisite for members of the board of aldermen. Said board shall organize immediately after the election and qualification of its members, by electing a president from among the directors elected, and annually thereafter, and shall hold meetings monthly, and at such times as the board shall determine. A majority of all the members elected shall constitute a quorum to transact business, but a smaller number may adjourn from time to time. The board may determine the rules of its proceedings. Its sessions shall be public, and its record shall be open to public inspection.

Superintendent of schools.

Sec. 248. There shall be elected by the qualified voters of such city and county, at the general state election, a

superintendent of schools, who shall take office on the first Monday after the first day of January next following his election, and hold office for the term of four years, and until his successor is elected and qualified. He shall perform such duties as are prescribed by law.

Powers of board.

Sec. 249. The board of education shall have power:

Establish districts.

1. To establish school districts, and to fix and alter the boundaries thereof.

Maintain schools.

2. To maintain public schools as organized at the time of the organization of such city, or city and county, under this act, and to consolidate and discontinue the same as the public good may require.

Establish high schools.

3. To establish high, normal, and experimental schools for the education of teachers.

Employ and dismiss teachers, etc.

4. To employ and pay and to dismiss teachers, janitors, school-census marshals, and such mechanics and laborers, and such other persons as may be necessary to carry into effect the powers and duties of the board, and unless otherwise provided by law, to fix, alter, and allow paid their salaries and compensations, and to withhold, for good and sufficient cause, the whole or any part of the salary or wages of any person or persons employed as aforesaid.

Make and establish rules, etc.

5. Also to make and establish and enforce all necessary and proper rules and regulations for the government and efficiency of the schools, teachers, and pupils, and for the carrying into effect of the school system; and to establish and regulate, and grade the schools, the course of studies and mode of instruction therein; to investigate all charges of misconduct on the part of teachers and other employees of the board; to administer oaths and take testimony; to summon and enforce the attendance of and examine witnesses for such purpose before the board, or a member or committee thereof. Any person summoned and refusing to attend and testify shall be deemed guilty of a misde-

meanor; and any person testifying falsely shall be guilty of perjury, and on conviction punished accordingly.

Provide fuel, stationery, etc.

6. To provide for the school department of such city, or city and county, fuel, lights, blanks, blank-books, books, printing, and stationery, and such other articles, materials, or supplies as may be necessary and appropriate for use in the schools, or in the office of the superintendent.

Provide school-houses.

7. To build, alter, repair, rent, and provide school-houses, and furnish them with proper school furniture, apparatus, and appliances, and to insure any and all school property, and to use and control such buildings as may be necessary for the uses of the board and its committees.

To purchase school lots.

8. To receive, purchase, lease, and hold in fee in trust for such city, or city and county, any and all real estate and personal property that may have been or which hereafter may be acquired for the use and benefit of the schools of such city, or city and county.

Grade school lots.

9. To grade, fence, and improve school lots, and in front thereof.

To sue and be sued.

10. To sue for any and all lots, lands, and property belonging to or claimed by the school department of such city, or city and county, and to prosecute and defend all actions at law or in equity necessary to recover the full enjoyment and possession of said lots, lands, and property, and to require the services of the city, or city and county, attorney in all such suits and proceedings.

To superintend disbursement of school moneys.

11. To establish regulations for the just and equal disbursement of all moneys belonging to the school department, or to the public-school fund, and to make rules and regulations to secure economy and accountability in the expenditure of school money.

To sell certain personal property.

12. To discharge all legal incumbrances existing upon any school property; to dispose of and sell such personal property used in the schools as shall no longer be required,

and all moneys realized by such sales shall be paid into the city treasury to the credit of the public-school fund. To lease lots, etc.

13. To lease, for the benefit of the public-school fund, for a term not exceeding five years, any unoccupied property of the school department not required for school purposes; to prohibit any child under six years of age from attending the schools; and generally to do and perform such other acts as may be necessary and proper to carry into force and effect the powers conferred on said board.

Who may administer oaths.

Sec. 250. The president of the board of education, the superintendent, and the secretary shall have power to administer oaths or affirmations concerning any demands upon the treasury payable out of the public school fund, or other matters relating to their official duties or the school department.

Reports.

Sec. 251. It shall be the duty of each director to make quarterly reports to the board of the condition of the schools in their respective districts.

Supplies, how furnished.

Sec. 252. It shall be the duty of the board of education to furnish all necessary supplies for the public schools. All supplies, books, stationery, fuel, printing, goods, material, building, repairs, merchandise, and every other article and thing supplied to or done for the public schools, or any of them, when the expenditure to be incurred is likely to exceed two hundred dollars, shall be done by contract, let to the lowest responsible bidder, after advertisement by the superintendent of schools; and the contract shall be entered into by the superintendent with the party to whom the contract is awarded; and the superintendent shall take care that such contract is carried out in strict accordance with the terms thereof.

Bids and contracts, how made and awarded.

Sec. 253. All bids or proposals made under the preceding section shall be delivered to the superintendent of schools, and said board shall, in open session, open, examine, and publicly declare the same, and award the con-

tract to the lowest responsible bidder; provided, said board may reject any and all bids, should they deem it for the public good, and also the bid of any party who may be proved delinquent or unfaithful in any former contract with such city and county, or said board, and cause a republication of the notice for proposals as above specified. Any person may bid for any one article.

Not to be interested in contract.

Sec. 254. Any school director, officer, or other person officially connected with the school department, or drawing a salary from the board of education, who shall, while in office, or so connected, or drawing salary, be interested, either directly or indirectly, in, or who shall gain any benefit or advantage from any contract, payments under which are to be made in whole or in part of the moneys derived from the school fund, or raised by taxation or otherwise for the support of the public schools, shall be deemed guilty of felony, and on conviction, punished accordingly; and this provision shall not be construed to relieve such persons from any other penalty, but shall be deemed cumulative to and with other penalties and disabilities as to such acts and offenses.

Annual report.

Sec. 255. The board shall make and transmit, between the fifteenth day of January and the first day of February of each year, to the state superintendent of public instruction, and to the mayor and municipal council of such city, or city and county, a report, in writing, stating the whole number of public schools within the jurisdiction, the length of time they have been kept open, the number of pupils taught in each school, the whole amount of money drawn from the treasury by the department during the year, distinguishing the amounts drawn from the general fund of the state from all other, and from what sources, and the manner and purpose in which such money has been expended, with particulars, and such other information as may be required from them by the state superintendent, the municipal council, or the mayor.

Evening school.

Sec. 256. The board shall provide evening-schools, to be held in the public school-houses, for the benefit of those unable to attend the day-schools. They shall make and

enforce regulations requiring the teachers to keep records of the names, ages, and residences of all pupils, and the names and residences of their parents, and the aggregate attendance of each pupil during the year, and to verify and report the same on the thirty-first day of December to the board; and such other rules and regulations for the purpose of ascertaining the attendance and efficiency of the department and progress of education.

Superintendent a member of board.

Sec. 257. The superintendent of schools shall be ex-officio member of the board of education, without the right to vote.

Clerk.

Sec. 258. Said superintendent shall appoint a clerk, subject to the approval of the board of education, who shall act as secretary of said board. His salary shall be two hundred dollars a month. Said clerk may be removed at the pleasure of the superintendent, and shall perform such duties as shall be required of him by the board or the superintendent.

Report of superintendent.

Sec. 259. The superintendent shall report to the board annually, on or before the first day of August, and at such other time as the board may require, all matters pertaining to the expenditures, income, condition, and progress of the public schools of such city, or city and county, during the preceding fiscal year, with such recommendations as he may deem proper. He shall observe and cause to be observed, such general rules for the regulation, government, and instruction of the schools, not inconsistent with the laws of the state, as may be established by the board. He shall attend the sessions of the board, and inform himself, at each session, of the condition of schools, school-houses, school funds, and other matters connected therewith, and to recommend such measures as he may deem necessary for the advancement of education in such city, or city and county. He shall acquaint himself with all the laws, rules, and regulations governing the public schools in such city, or city and county, and the judicial decisions thereon, and give advice on subjects connected with the public schools gratuitously to officers, teachers, pupils, and their parents and guardians.

Shall visit schools.

Sec. 260. The superintendent of schools shall visit and examine the schools, and see that they are efficiently conducted, and that the laws and regulations of the board are enforced in all things, and that no religious or sectarian books or teachings are allowed in the schools, and to report monthly to the board. He shall also report to the state superintendent at such times as such officer shall require.

Vacancy, how filled.

Sec. 261. Any vacancy in the office of school director shall be filled for the remainder of the term by a person to be appointed by the board of aldermen.

Vacancy in office of superintendent, how filled.

Sec. 262. In case of a vacancy in the office of superintendent, the board of aldermen may appoint a person to fill the vacancy until the next regular election, when the office shall be filled by the people.

School fund.

Sec. 263. The school fund of such city, or city and county, shall consist of all moneys received from the state school fund; of all moneys arising from taxes which shall be levied annually by the municipal council of such city; or city and county, for school purposes; of all moneys arising from sale, rent, or exchange of any school property, and of such other moneys as may, from any source whatever, be paid into said school fund. Said fund shall be kept in the city, or city and county, treasury, separate and distinct from all other moneys, and shall only be used for school purposes under the provisions of this chapter. No fees or commissions shall be allowed or paid for assessing, collecting, keeping, or disbursing any school moneys; and if at the end of any fiscal year any surplus remains in the school fund, such surplus money shall be carried forward to the school fund of the next fiscal year, and shall not be, for any purpose whatever, diverted or drawn from said fund, except under the provisions of this chapter.

School fund, how used.

Sec. 264. The said school fund shall be used and applied by said board of education for the following purposes, to wit:

1. For the payment of the salaries or wages of teachers, janitors, school-census marshals, and other persons who may be employed by said board;
2. For the erection, alteration, repair, rent, and furnishing of school-houses;
3. For the expenses of high, normal, and experimental schools;
4. For the purchase money or rent of any real or personal property purchased or hired by the board;
5. For the insurance of all school property;
7. For the discharge of all legal incumbrances now or hereafter existing on any school property;
8. For lighting school-rooms, and the office and rooms of the superintendent and the board of education;
9. For supplying the schools with fuel, water, apparatus, blanks, blank-books, and necessary school appliances, together with books for indigent children;
10. For supplying books, printing, and stationery, for the use of the superintendent and board of education, and for the incidental expenses of the board and department;
11. In grading, fencing, and improving school lots.

Claims, how allowed.

Sec. 265. All claims payable out of the school fund (excepting coupons for interest on school bonds), shall be filed with the secretary of the board, and after they shall have been approved by a majority of all the members elect of the board, upon a call of "yeas" and "nays" (which shall be recorded), they shall be signed by the president of the board and the superintendent of the public schools, and be sent to the city and county auditor. Every demand shall have indorsed upon it a certificate of its approval by the board, showing the date thereof, and the law authorizing it, by title, date, and section. All demands for teachers' salaries shall be payable monthly.

Demands on school funds.

Sec. 266. Demands on the school fund may be audited and approved in the usual manner, although there shall not, at the time, be money in the treasury for the payment of the same; provided, that no demand on said fund shall be paid out of or become a charge against the school fund of any subsequent fiscal year; and further provided, that

the entire expenditures of the said school department, for all purposes, shall not, in any fiscal year, exceed the revenues thereof for the same year.

Auditor to designate fund.

Sec. 267. The city, or city and county, auditor shall state, by indorsement upon any claim or demand audited on the school fund, the particular money or fund out of which the same is payable, and that it is payable from no other source.

Audited bills receivable for taxes.

Sec. 268. Audited bills for the current fiscal year for wages or salaries of the teachers in the public schools shall be receivable for school taxes due upon real estate. All demands shall be audited and paid in the usual manner.

Sec. 269. All lawful demands authorized by this chapter for school purposes shall be audited and approved in the usual manner, and the auditor and treasurer of such city, or city and county, are respectively authorized to audit and pay the same, when so ordered, paid and approved by the said board; provided, that the said board shall not have the power to contract any debt or liability, in any form whatsoever, against such city, or city and county, in contravention of this chapter; and provided further, that the allowance or approval by the board of demands not authorized by this chapter shall be no warrant or authority to the auditor or treasurer to audit or pay the same.

Board of education to make estimate.

Sec. 270. It shall be the duty of the board of education of such city, or city and county, on or before the second Monday of September of each year, to report to the municipal council an estimate of the amount of money which will be required during the year for the purpose of meeting the current annual expenses of public instruction in such city, or city and county, specifying the amount required for supplies furnished pupils, for purchasing and procuring sites, for leasing rooms or erecting buildings, and for furnishing, setting up, altering, enlarging, and repairing buildings; for the support of schools organized since the last annual apportionment; for salary of teachers, janitors, clerks, and other employees, and other expenditures authorized by law; but the aggregate amount so reported shall not exceed the sum of thirty-five dollars for each pupil who

shall have actually attended and been taught in the preceding year in the schools entitled to participate in the apportionments. The number of pupils who shall be considered as having attended the schools during any one year shall be ascertained by adding together the number of days' attendance of all the pupils in the common schools during the year, and dividing the same by the number of school-days in the year. Said municipal council is authorized and empowered to levy and cause to be collected, at the time and in the manner of levying state and other city, or city and county, taxes, the amount of tax, not to exceed thirty-five dollars per pupil, determined and reported by the board of education. The amount so levied and collected shall not include the amount received annually from poll-taxes.

No sectarian school shall receive school money.

Sec. 271. No school shall receive any portion of the school moneys in which the religious doctrines or tenets of any particular Christian or other religious sect are taught, inculcated, or practiced, or in which any book or books containing compositions favorable or prejudicial to the particular doctrines or tenets of any particular Christian or other religious sect is used; nor shall any such books or teachings be permitted in the common schools.

No member of board shall disburse school money, or accept gift.

Sec. 272. No member of the board of education shall ever become the disbursing agent of such board, or handle or pay out any of its money under or upon any pretense whatever. Any violation of this provision shall be a misdemeanor, and shall subject the offender, besides the punishment, to removal from office. Any member or officer of the board of education who shall, while in office, accept any donation or gratuity in money, or of any valuable thing, either directly or indirectly, from any teacher, or candidate, or applicant for a position as teacher, upon any pretense whatever, shall be deemed guilty of a misdemeanor in office and shall be ousted by the board, or by any court of competent jurisdiction, from his seat, on proof thereof. Any member or officer of the board of education who shall accept any money, or valuable thing, or the

promise thereof, with an agreement or understanding, express or implied, that any person shall, in consideration thereof, get the vote or influence of such member or officer for a situation as a teacher or employee of any kind in the school department, shall be deemed guilty of a felony, and on conviction, shall be punished accordingly.

ARTICLE VII.—MISCELLANEOUS PROVISIONS.

Laws which do not conflict with this act are continued in force.

Sec. 286. All the existing provisions of law defining the duties of county officers, excepting those relating to supervisors and boards of supervisors, so far as the same are not inconsistent with, repealed, or altered by the provisions of this chapter, shall be considered as applicable to officers of any consolidated cities and counties, acting or elected under this chapter. Provisions shall be made from the revenues of any city, or city and county, heretofore existing and reorganized under this act, for the payment of the legal indebtedness of the municipal incorporation to which such reorganized city, or city and county, shall succeed, or of which it is a reorganization, as well as for that of such city, or city and county, after its organization, and all funding acts and other laws providing for the payments of principal and interest on any funded debt of such former corporation shall remain in force. The taxes which may be levied and collected in such city, or city and county, shall be uniform throughout the same.

Where provisions of this chapter shall apply.

Sec. 287. The provisions of this chapter concerning the following-named officers, to wit: Sheriff, county clerk, recorder, coroner, and public administrator, shall apply only to consolidated cities and counties. The provisions of this chapter relating to the district attorney shall, except in consolidated cities and counties, be deemed to apply to the city attorney; and no sheriff, county clerk, recorder, district attorney, coroner, or public administrator shall be elected in any municipal corporation under the provisions of this chapter, except in consolidated cities and counties.

Duty of municipal council in the levy of taxes.

Sec. 288. The municipal council of any such consoli-

dated city and county shall perform such duties in and about the levy and equalization of state and county taxes, and all other matters and things as are or may be prescribed by law for boards of supervisors of counties in like cases, and not inconsistent with the provisions of this chapter.

CHAPTER III.

MUNICIPAL CORPORATIONS OF THE SECOND CLASS.

(A charter for cities having a population of more than 30,000 and not exceeding 100,000.)

ARTICLE I.—GENERAL POWERS.

Powers of municipal corporations of the second class.

Sec. 300. Every municipal corporation of the second class shall be entitled the city of — (naming it), and by such name shall have perpetual succession, may sue, be sued, in all courts and places, and in all proceedings whatever, shall have and use a common seal, alterable at the pleasure of the city authorities, and may purchase, lease, receive, hold, and enjoy real and personal property, and control and dispose of the same for the common benefit; provided, that it shall purchase without the city no property except such as shall be deemed necessary for establishing hospitals, prisons, cemeteries, and industrial schools.

ARTICLE II.—GENERAL PROVISIONS RELATING TO OFFICERS.

Election, when held.

Sec. 301. The municipal election shall be held on the second Monday of March of each even-numbered year, and such election shall be subject to all the provisions of the law regulating elections for state officers, except as otherwise provided in this chapter. At such election there shall be elected, for the government of the city the following officers: Seven councilmen, who shall constitute a board to be known as the city council; a mayor; a treasurer, who shall be ex-officio clerk of the city council; a city attorney; a school superintendent, and a street superintendent, who shall respectively hold office for the term of two years, and until their successors are elected and qualified. One councilman shall be elected from each

ward, by the vote of the city at large, and shall hold office for the term of two years, and until his successor is elected and qualified.

Bonds.

Sec. 302. The clerk and treasurer, superintendent of public schools, street superintendent, and all other officers when required by the city council by ordinance, shall each, before entering upon his official duties, and within ten days after receipt of his certificate of election or appointment, execute a bond, in such sum as the council may direct, payable to the city; which bond shall be subject to the law concerning the official bonds of officers, and to approval by the mayor. And the council may at any time require an additional amount, or new sureties, upon any bond which it may deem insufficient. If such additional security be not given, the council, upon notification thereof by the mayor, may, by vote of two thirds of the members, declare the office vacant.

Fees, etc., to be paid into treasury.

Sec. 303. All fees, percentages, and all other moneys received or collected by any officer of the city, shall be paid by such officer, at the end of each month, into the city treasury, for the use of the city; and no payment shall be made to any officer for salary until he shall have taken, and filed with the clerk, an affidavit that he has paid into the city treasury, all fees, percentages, and all other moneys by him theretofore received or collected.

No city officer shall be surety on bond of any corporate officer.

Sec. 304. No member of the city council, or of the board of education, nor any officer of the city, shall be surety upon the official bond of any corporate officer, nor shall he be, directly or indirectly, interested with or be surety for any person who may be interested in any franchise, contract, appropriation, work, or business, or in the sale of anything the price of or consideration for which is paid or payable by the city, or by assessments levied under an ordinance of the council; nor shall any contract be awarded or franchise granted to any person who may be surety on the official bond of any officer of the city.

Vacancy, how filled.

Sec. 305. If any officer of such city, or member of the

city council, or board of education, shall remove from the city, or absent himself therefrom for more than thirty days, or shall fail to qualify by taking the oath of office as prescribed by law, or to file his official bond, whenever such bond is required, within ten days from the time his election is duly ascertained and declared, his office shall be hereby absolutely vacated, and the city council shall thereupon fill the vacancy upon nomination by the mayor.

Oath of office.

Sec. 306. Every officer provided for in this chapter shall, before entering upon the duties of his office, take and file with the treasurer the constitutional oath of office; provided, that the oath of office of the treasurer shall be filed with the mayor.

Salaries.

Sec. 307. The salaries of the officers of such city shall be as follows: Mayor, one thousand dollars per annum; clerk and treasurer, two thousand dollars per annum; assistant to the clerk and treasurer, one thousand two hundred dollars per annum; clerk of the police court, one thousand two hundred dollars per annum; clerk to the police court, nine hundred dollars per annum; city attorney, two thousand dollars per annum; street superintendent one thousand eight hundred dollars per annum; captain of police, one thousand eight hundred dollars per annum; police detective, one thousand five hundred dollars per annum; school superintendent, two thousand dollars per annum; assistant school superintendent, one thousand two hundred dollars per annum; policemen, nine hundred dollars per annum each. The mayor may appoint a clerk, who shall receive a salary of nine hundred dollars per annum. The salaries of all officers shall be paid in monthly installments, at the end of each and every month of service.

ARTICLE III.—LEGISLATIVE DEPARTMENT.

Time of meeting.

Sec. 319. The city council shall meet on the first Monday after their election, and at such other times as they may by ordinance appoint. A majority of the council shall constitute a quorum for the transaction of business. They shall determine the rules of their proceedings, and judge

of the qualification and election of all officers; and shall provide, by ordinance, the method of calling special meetings of the council. Their sittings shall be public. A journal of their proceedings shall be kept by the clerk, under their direction; and the ayes and noes shall be taken and entered on the journal at the request of any member. They shall prescribe, by ordinance, the duties of all officers whose duties are not defined in this act. They shall have the power to raise, by tax, not exceeding one per cent for all purposes (except for the redemption of bonds) on the assessed value of the real and personal property within the limits of such city, moneys for the establishment and support of free common schools, and to provide suitable grounds and buildings therefor, and defraying the ordinary expenses of the city, as well as for paving, plank-ing, or otherwise improving the streets of the city. They shall also have power to pass all proper and necessary ordinances for the regulation and sale of city property, and to give deeds therefor. They shall have power to open, alter, establish, grade, or otherwise improve and regulate, streets, alleys, and lanes, and the sidewalks upon the same; to construct and keep in repair bridges, so as not to interfere with navigation, fences, public places, wharves, docks, ferries, piers, slips, sewers, and wells, and to make assessments therefor; to regulate and collect tolls, wharfage, dockage, and cramage, upon all water-craft, and all goods landed; to make regulations for securing the health, cleanliness, ornament, peace, and good order of the city; for preventing and extinguishing fires, and appointing and regulating firemen, policemen, and such other officers as may be necessary to appoint; for the care and regulation of prisons and markets; for licensing, taxing, and regulating all such vehicles, business, and employments as the public good may require, and as may not be prohibited by law; to levy a tax license upon all dogs, or otherwise prevent the same from running at large in the streets and public grounds of the city; to regulate and suppress all occupations, houses, places, amusements, and exhibitions which are against good morals, or contrary to the public order and decency; for the regulation and location of slaughterhouses, markets, stables, and gas-works, and houses for the storage of gunpowder and other combustible materials, and limit the quantity of

combustible or explosive materials to be stored in any one place; for prohibiting or suppressing the erection of slaughterhouses, or the slaughtering of animals within the limits of the city, and for prohibiting or suppressing the erection or carrying on of any soap or glue factory, tannery, powder-magazine, or other nuisance within the limits of the city; and to declare what shall constitute a nuisance; and to make and enforce within its limits all such local, police, sanitary, and other regulations as are not in conflict with general laws; and provide suitable buildings for the management, good government, and general welfare of the city. They shall also have power to pass such ordinance or ordinances as may be necessary to prevent animals from running at large within the limits of the city; to establish a pound, and appoint a poundkeeper, and prescribe his duties, and to provide for the public sale, by the poundkeeper, of such animals as may be impounded, in the same way and upon like notice that personal property is sold by execution under the laws of this state; provided, that the owner or owners of such property so impounded may reclaim the same at any time before sale, upon payment of costs and charges of taking up and impounding; and, within thirty days after the sale, upon proof of ownership of the property sold, duly made before the mayor, and upon payment of the costs and expenses of impounding and selling, and upon the payment of the sum of one dollar to the mayor, as a fee for the investigation of the question of ownership, and for his certificate to that effect, such owner or owners may receive the purchase money arising from such sale or sales. Penalties for the violation of any and all ordinances shall be by fine not exceeding one hundred dollars, and in case the fine be not paid, then the person or persons may be imprisoned at the rate of one day for every two dollars of the fine imposed, or in lieu of the imprisonment, or any part of it, the person or persons so fined shall labor, under the direction of the city authorities, either upon the streets, public grounds, or buildings, or in such other places as may be deemed advisable for the benefit or revenue of said city. The city council, upon the nomination of the mayor, shall have power to appoint suitable persons to fill vacancies in any elective office, except that of mayor, until the next regular municipal election, when, if the term be unexpired,

an election shall be held to fill such vacancy for the unexpired term of said officers. The members of the city council shall receive no salary for their services. They shall have power to provide for all city elections, to designate the place or places of holding the same, giving at least ten days' notice thereof; to appoint inspectors and judges of election, examine the returns, and declare the result, and to determine contested elections. The president pro tempore of the board shall discharge the duties of mayor whenever there shall be a vacancy in the office of mayor, or when the mayor shall be absent from the city for a period exceeding five days, or be unable, from sickness, to attend to the duties of his office. In the absence of the clerk, the city council shall appoint one of their members to act as clerk pro tempore; they shall also have power to set aside any amount of money belonging to the city which may at any time be in the hands of the treasurer, after deducting the current expenses of the city, and the interest due upon the funded debts of the city, as a sinking-fund whereby the bonds issued by the city may be redeemed, or they may, at any time before said bonds shall become due, with any surplus money which may belong to the city, after paying said expenses and interest, redeem or purchase for the city, and in its name, in the manner most advantageous to the city, any outstanding bonds, which bonds or claims, when so purchased, shall be immediately canceled; provided, this right shall not affect the rights of the holders of said bonds, or in any way prevent them from holding the same until said bonds become due and payable; they shall also have the power to determine the width of sidewalks, and the material and manner of their construction, as well as the grade of the same; they shall also have the power to establish fire districts, and within said districts to prevent the erection of wooden buildings, or any buildings composed of combustible materials, and also to prevent the further repairing of wooden buildings within the fire limits established.

Further powers.

Sec. 320. Said council shall also have power:

Construction of sinks, etc.

1. To regulate the construction of sinks, gutters, wells,

cess-pools and privy-vaults, and to compel the cleansing or emptying of the same, and the time and manner in which the work shall be done.

Anchorage of vessels, etc.

2. To regulate the anchorage of vessels within the limits of the city, and to prevent obstructions to the free navigation of all navigable waters within the same.

Pollution of water.

3. To prevent persons from throwing into any stream, creek, bay, or other body of water within the limits of the city, from vessels, wharves, or other places any dirt, ballast, ashes, garbage, dead animals, or other materials that may obstruct the same or pollute the water thereof.

Open streets.

4. To open streets to the channel of any navigable stream or creek within the limits of the city, and to deep water to any navigable bay or lake within the same, and to construct and maintain public wharves at the ends of such streets.

Regulate location of boilers, etc.

5. To regulate the location of steam-boilers, the putting up of signs and awnings, and the construction of entrances to basements or cellars from the sidewalks.

License hacks, etc.

6. To establish hack-stands, and to regulate the rates of charges of hacks and other licensed vehicles, and to require a schedule of such charges, printed in conspicuous type and satisfactory to the council, to be posted in a conspicuous place in each hack or other licensed vehicle; provided, however, that the standing of hacks shall not be permitted on any street upon which railroads operated by steam shall be used.

To compel attendance of absent members.

7. To compel the attendance of absent members of said council at any of the meetings thereof, and to cause the arrest of any person for disorderly conduct at their meetings.

Regulate speed of railway engines.

8. To regulate the speed of railway engines in the city, and to require railroad companies to station flagmen at

street crossings; to grant franchises permitting steam railroads upon any of the streets of the city; provided, that the same shall only be granted after two weeks' notice, previously published in some newspaper published in the city, and by ordinance passed by the vote of two thirds of the members elected to said council, approved by the mayor, and upon the previous petition, in writing, of the owners of two thirds of the front feet of the lands upon the portion of the street to be so used.

Regulate entrance to and from theaters, etc.

9. To regulate the means of entrance to and exit from theaters, lecture-rooms, public halls, and churches, and to prohibit the placing of chairs, stools, benches, or other obstructions in the aisles of such building.

Railway companies to keep certain streets in repair.

10. To require railroad companies to keep the street in repair between the tracks and along and within the distance of two feet upon each side of the track occupied by the company.

License certain property and business.

Sec. 321. They shall also have the exclusive right, in the manner prescribed by ordinance, of issuing and granting licenses, and of collecting tax licenses for the benefit of the city, upon the following business and property, to wit: Upon each and every person within the limits of the city who shall vend any goods, wares or merchandise, wines, distilled or fermented liquors, drugs, medicines, jewelry, or wares of precious metals; upon persons who keep horses or carriages for rent or hire; upon persons keeping billiard tables for hire, bowling-alleys, and shooting-galleries; also upon all taverns, inn-keepers, and upon all persons who may sell or dispose of any malt, spirituous or fermented liquors or wines in less quantities than one quart; and the said licenses shall be issued quarterly or yearly. Also upon any person within the limits of the city, who shall keep a stallion, jack, bull, or ram, and who shall permit the same to be used for the purpose of propagation for hire or profit; which license shall be a yearly license; all of which licenses when granted by such city and duly obtained by the person or persons desiring the same, shall entitle them to carry on such business, trade, or profession in such city.

Sales and leases of city property.

Sec. 322. All sales or leases of property belonging to the city shall be by public auction to the highest bidder, and upon such terms and conditions as the council may by ordinance direct; and all contracts for supplies, of any kind, for more than five hundred dollars, shall be let to the lowest responsible bidder, after ten days' notice given by posting the same in three of the most public places in the city, or by publishing the same in any newspaper printed and published in such city.

Licenses.

Sec. 323. Licenses shall be discriminating and proportionate to the amount of business; and it shall be the duty of the council, by ordinance, to classify all kinds of business licensed in accordance herewith.

Ordinances.

Sec. 324. The enacting clause of all ordinances shall be as follows: "The mayor and council of the city of _____ do ordain as follows." Every ordinance passed by the city council shall be presented to the mayor for his approval; if he approve it, he shall sign it; if not, he shall return it at the first meeting of the council held after five days thereafter, or at its next meeting; when the city council shall reconsider such ordinance, and if the same be approved by a vote of two thirds of all the members elected, and not otherwise, the same shall take effect and stand as an ordinance of such city. All ordinances shall be published for one week in a newspaper printed and published in such city, as often during such period as such newspaper shall be published.

Fixing rate of taxation.

Sec. 325. The council shall, upon the first Monday of October in each year, fix the rate of taxation to be levied upon all property, both real and personal, in said municipality necessary to raise sufficient revenue to carry on the various departments of the city government for the then ensuing year, not to exceed one dollar for each one hundred dollars upon the assessment roll, and to pay the bonded and other indebtedness of said city. The said council must, upon fixing said amount, transmit a statement thereof to the county auditor. The action of the city council in fixing the rate of taxation for city purposes is a valid

levy of the rate so fixed upon all property, both real and personal, in the said city, and borne upon the assessment roll of said county, and has the effect provided in sections three thousand seven hundred and sixteen, three thousand seven hundred and seventeen, and three thousand seven hundred and eighteen of the Political Code, in regard to state and county taxes. The county auditor shall thereupon compute and enter, in a separate money column in the assessment book, the respective sums, in dollars and cents, rejecting the fractions of a cent, to be paid as a tax on the property therein enumerated, for the purposes of such city government, and foot up the column, showing the total amount of such taxes. The taxes so levied and computed shall be collected at the same time and in the same manner as state and county taxes; and when collected, shall be paid into the county treasury for the use of said city; provided, that any property sold for such taxes shall be subject to redemption within the time and in the manner provided, or that may hereafter be provided by law, for the redemption of property sold for state or county taxes. All deeds made upon any sale of property for taxes or special assessments, under the provisions of this chapter, shall have the same force and effect in evidence as is or may hereafter be provided by law for deeds for property sold for non-payment of state or county taxes. The county treasurer must, at any time upon the demand of the city treasurer and mayor, settle with the city treasurer, and pay over to him all moneys in the county treasury belonging to such city, taking the receipt of the mayor and city treasurer therefor. The county treasurer shall receive, as compensation for all services rendered under this section as tax collector and treasurer, one third of one per cent of all moneys collected and paid over to the city treasurer, but not to exceed in all one thousand dollars per annum. The county treasurer and tax collector shall be liable on his official bond for all moneys received by him under the provisions of this section.

Vote by yeas and nays in certain cases.

Sec. 326. In all matters before the city council concerning the granting of franchises, letting of contracts, auditing of bills, ordering of work to be done or supplies to be furnished, or whatever may involve the payment

of money, or incurring of debt by the city, the vote shall be by yeas and nays, and be recorded in the journal.

Restriction on members.

Sec. 327. No member of the city council shall vote in the council upon any motion, resolution, or ordinance, in favor of any franchise, contract, bill, award, or appropriation, in which he may have any pecuniary interest, present or prospective.

Debts.

Sec. 328. The city council shall not create, allow or permit to accrue any debt or liability in excess of the available money in the treasury that may be legally apportioned and appropriated for such purposes; nor shall any warrant be drawn or evidence of indebtedness be issued, unless there be at the time sufficient money in the treasury legally applicable to the payment of the same, except as hereinafter provided.

Debt, how incurred and paid.

Sec. 329. If, at any time, the city council shall deem it necessary to incur any indebtedness in excess of the money in the treasury applicable to the purpose for which such indebtedness is to be incurred, they shall give notice of a special election by the qualified electors of the city, to be held to determine whether such indebtedness shall be incurred. Such notice shall specify the amount of indebtedness proposed to be incurred, the purpose or purposes of the same, and the amount of money necessary to be raised annually by taxation for an interest and sinking fund, as hereinafter provided. Such notice shall be published for at least three weeks in some newspaper published in such city, as often during said period as said newspaper shall be published; and no other question or matter shall be submitted to the electors at such election. If, upon a canvass of the votes cast at such election, it appear that not less than two thirds of all the qualified electors voting at such election shall have voted in favor of incurring such indebtedness, it shall be the duty of the city council to pass an ordinance providing for the mode of creating such indebtedness, and of paying the same; and an annual tax shall be levied and collected upon all the real and personal property subject to taxation within such city, sufficient to pay the interest on such

indebtedness as it falls due; and also to constitute a sinking fund for the payment of the principal thereof, within a period of not more than twenty years from the time of contracting the same. It shall be the duty of the city council, in each year thereafter, at the time at which other taxes are levied, to levy a tax sufficient for such purpose, in addition to the taxes by this chapter authorized to be levied. Such tax, when collected, shall be exclusively appropriated to the payment of the principal and interest of such indebtedness, and the city treasurer shall be liable upon his official bond for any part of said fund otherwise used or appropriated.

Separate fund.

Sec. 330. It shall be the duty of the city council before levying the annual city tax, to establish, by ordinance, separate funds, representing the several funded obligations of the city, if any, and the several departments requiring municipal expenditures, including a general fund, and the percentage of said levy shall be named for each fund, and the whole amount of taxes and revenues of the city apportioned accordingly, and no transfer shall be made except of balances in excess, or from the general fund to meet deficiencies, or to provide for the redemption of city bonds.

Bonded indebtedness, how paid.

Sec. 331. Any city having a bonded indebtedness, contracted under laws heretofore passed, shall levy such taxes for the payment of such indebtedness, and the interest thereon, as are provided for in such laws, in addition to the taxes herein authorized to be levied. All moneys received from licenses, and from fines, penalties, and for forfeitures, shall be paid into the general fund.

Opening new streets.

Sec. 332. The city council shall have power, upon the payment of just compensation, to lay out and open new streets, lanes, alleys, courts, and places within the corporate limits of the city, but shall have no power to subject the city to any expense therefor, except for the necessary expense of surveying and mapping out the same, and when said streets are so laid out and opened, the provisions of this chapter shall be applicable thereto.

License on common carriers.

Sec. 333. The city council of said city shall have power to issue and collect an annual tax license on draymen, cabmen, omnibus proprietors, expressmen, and other common carriers doing business in the city, the proceeds of said licenses to be devoted to a street-department fund for keeping in repair the streets in the city. Said annual license not to be more than twelve dollars nor be less than eight dollars for such persons so licensed.

Widening streets.

Sec. 334. The city council is empowered to open, extend, and widen streets, and to modify the boundaries thereof within its corporate limits, and to determine the property benefited thereby, and to assess the expenses of such improvement upon the property benefited, as hereinafter provided.

Proceedings, how commenced.

Sec. 335. All proceedings under said power shall be commenced by petition of five or more residents and freeholders within the city, signed by the petitioners, addressed to the city council, and filed with the clerk of said council. Such petition shall contain:

1. The names of the petitioners, and a statement that each of the petitioners is a resident and freeholder within the city;

2. A statement that, in the opinion of the petitioners, the public interests require that the improvement asked for (describing it generally) should be made;

3. A request that the council proceed to order the improvement made.

Duty of council.

Sec. 336. At the regular meeting next after the meeting at which the petition is presented to the council, or at any subsequent meeting to which the proceedings may be regularly adjourned, the said council may, by resolution duly passed, determine the lands to be benefited by the improvement asked for in the petition, and to be assessed for the expenses thereof. Said resolution shall contain a description of each lot, piece, or parcel of land necessary to be taken and condemned for such improvement, and shall also specify the exterior boundaries of

the district of land benefited thereby, and to be assessed therefor, and shall direct the city engineer to make a survey and map of the lands described in the resolution, a copy of which resolution shall be forthwith transmitted by the clerk of said council to the said city engineer.

Duty of city engineer.

Sec. 337. It shall be the duty of the city engineer, immediately upon receiving a copy of the resolution mentioned in section four, to survey the lands described in said resolution and make a map thereof, and to return said map to said council within twenty (20) days from the receipt by him of said copy of the resolution; said map shall show each piece, tract, or parcel of land necessary to be taken and condemned for said improvement, and also the exterior boundaries of the district to be benefited by such improvement and to be assessed on account of the cost and expenses thereof, as declared in the resolution, and the area thereof, exclusive of public streets and alleys. Said city engineer shall have the right to enter upon the lands and make examinations and surveys thereof, and such entry shall constitute no cause of action in favor of the owners of said lands, except for injuries resulting from negligence, wantonness, or malice.

Preliminary resolution.

Sec. 338. The council, at its regular meeting next after the return of the map by the city engineer, shall pass a preliminary resolution, declaring the intention of the corporation to make the improvement asked for in the petition. Said resolution shall contain a description of each piece, lot, or tract of land necessary and sought to be taken and condemned for the improvement, and also the exterior boundaries of the district of lands to be benefited thereby, and assessed for the expenses thereof; the resolution shall also specify a time, not more than fifteen (15) days from the passage thereof, for the hearing by said council of objections to the proposed improvement, and said resolution shall be published in at least one daily paper printed and circulated in the city, daily (Sundays and non-judicial days excepted), for at least ten (10) days prior to the time fixed for said hearing.

Objections.

Sec. 339. If a majority of the owners of the lands in

area to be assessed for the expenses of said improvement shall, on or before the day fixed by said resolution for the hearing of objections, appear and protest against said improvement, the proceedings shall be discontinued; provided, however, that such protest must be in writing, and shall contain a description of the land claimed by each protestant; and provided further, that the council may, by an unanimous vote of all its members, approved by the mayor, proceed to cause such improvement to be made, notwithstanding such protest.

Final resolution.

Sec. 340. If the owners of a majority in area of the property to be assessed for the expenses of said improvement fail to appear and protest as provided in section seven, or if the council, by an unanimous vote, approved by the mayor, order said improvement to be made, said council must immediately pass a final resolution, declaring such determination. Such resolution shall refer to the said preliminary resolution, by its number, for a description of the lands necessary and sought to be taken and condemned for said improvement, and the district to be assessed for the expenses thereof.

Commissioners to assess damages.

Sec. 341. Immediately after the passage of such final resolution, the council shall apply to the superior court of the county in which such city is situated, either in term-time or vacation, by petition, for the appointing of three commissioners to assess the compensation which shall be paid to the owners thereof for the lands sought to be taken for such improvement, and to assess upon the property within the district to be benefited thereby the costs of such improvement. Said petition shall recite all the proceedings had in the premises, and shall specify the exterior boundaries of the lands sought to be taken, and also the exterior boundaries of the district of lands to be benefited thereby, and assessed for the expenses thereof. A copy of the map made by the city engineer shall be annexed to said petition, and may be referred to in the petition for a description of the lands aforesaid.

Duty of court.

Sec. 342. Upon filing such petition, such court shall pass and take such jurisdiction of such proceeding, and

such court, or a judge thereof, shall, by order, fix a day for the hearing of such petition, which shall be not less than ten, nor more than twenty days from the date of such order. Such order shall further direct notice of the time and place of such hearing to be given by the clerk by publication in two daily newspapers published in such city, and designated in such order, for, at least a period of ten days in succession.

Requisites of notice.

Sec. 343. Such notice shall specify the exterior boundaries of the lands sought to be taken for such improvement, and of the lands declared to be profited thereby and to be assessed for the expenses thereof, and shall further state that the damages to which the owner or owners of the land sought to be taken may be entitled for the same will be inquired into and determined, and that such damages, together with the cost of the proceedings for the acquiring title to such lands, and making apportionment thereof, will be apportioned and assessed upon the lands to be benefited thereby, by commissioners to be appointed by such court, on the day fixed by such order for the hearing. Such notice shall be published daily for at least ten days (Sundays and non-judicial days excepted) before such hearing.

Hearing.

Sec. 344. At the time fixed for the hearing, or at such other time as the hearing may be adjourned to, the court shall proceed to hear any person interested touching the regularity of the proceedings, and if satisfied that the proceedings have been regular, shall appoint three competent and disinterested commissioners. The court may, at any time, remove any or all such commissioners for cause, upon reasonable notice and hearing, and may fill the vacancies occurring among them from any cause. Any persons interested may object to the appointment of any person as commissioner, on one or more of the grounds specified in section six hundred and forty-one of the Code of Civil Procedure, as grounds for the objection to the appointment of persons as referees.

Duty of commissioners.

Sec. 345. Commissioners shall be sworn to faithfully perform their duties according to the provisions of this

chapter. They shall then proceed to view the lands mentioned and described in such resolution and petition, and may examine witnesses on oath, to be administered by any one of them, and shall keep minutes of the testimony so taken; they shall ascertain and appraise the value of the property sought to be taken for the improvements, and of all improvements thereon partaking of the realty, and of each and every estate therein; if it consist of different parcels, the value of each parcel and each estate, or interest therein, shall be separately appraised; if this property sought to be taken constitutes only a part of a larger parcel, the damages which will accrue to the portion not sought to be condemned or taken, by reason of the severance from the portion sought to be taken, and the construction of the improvement in the manner proposed shall be appraised by said commissioners; they shall also ascertain and determine, as near as may be, the entire costs of the proceedings for the opening, extension, or improvement aforesaid, including the costs of court and of commissioners; they shall then proceed to apportion and assess the whole amount of such costs and expenses, value of property sought to be taken, and damages to property not taken, upon the property within the district declared by the resolution of the council to be benefited by said improvement, and shall assess each tract, lot, piece, or parcel of land within said district in proportion to the benefits received by it from said improvement.

Report.

Sec. 346. The said commissioners, within a time to be fixed by the court, shall make a report of their proceedings, under their hands, or the hands of a majority of them, to the said court, in which report they shall describe, with common certainty, the several parcels of land sought to be taken for such improvement, and the names of the owners thereof, respectively, so far as they can be ascertained, designating unknown owners, if any such there be, and the sum of money which should be paid to each of said owners, as his or her compensation for the land necessary and sought to be taken and condemned for such improvement, or of his or her estate, therein; and in case only a part of a larger parcel has been taken for such improvement, and the remaining portion is damaged or benefited thereby, they shall describe such remaining por-

tion, and specify the sum to be paid or assessed to the owner thereof, or such damages or benefits as the case may be; they shall also describe, with common certainty, the several parcels of land within the district deemed to be benefited by said improvement, and the names of the owners thereof, so far as they can be ascertained, designating unknown owners, if such there be, and the sum of money which is assessed upon each particular parcel, and which should be paid by the owner thereof.

Objections.

Sec. 347. Upon the filing of such report, the said court shall, by order, fix a day for hearing objections to the confirmation thereof, and shall direct notice of the time and place of said hearing to be given by the clerk, by publication in a daily newspaper published in said city, for at least ten days (Sundays and non-judicial days excepted), prior to said day of hearing.

Hearing report.

Sec. 348. Upon the day fixed for the hearing, the court shall proceed to hear any person interested upon any question touching the regularity of the proceedings, the sufficiency of the compensation awarded, or the justice or equality of the assessment, and may confirm said report or set the same aside, or remand the same for correction or alteration in any particular. If the report be set aside, the matter may in like manner be referred to the same or new commissioners appointed by the court, who shall proceed as hereinbefore provided; if the report be remanded, it shall be corrected, or altered in any particular required by the court.

Compensation of commissioners.

Sec. 349. The commissioners shall be entitled to reasonable compensation for their services, to be certified to by the court, and taxed as part of the expenses of the proceeding.

Judgment, what to contain.

Sec. 350. Upon confirmation of the report of the commissioners, judgment shall be rendered by the court thereon, which judgment must describe each parcel of land taken for such improvement, and the amount to which the owner is entitled as compensation or damages for the taking thereof, and the name of such owner or owners, if

known; and in case only a portion of a larger parcel is taken, such judgment must describe such remaining portion, and the amount, if anything, to which the owner thereof is entitled as damages; and must also describe each parcel of land assessed for the expenses of such improvement, and the amount so assessed upon each parcel respectively. Such judgment shall direct a sale of each parcel so assessed, or so much thereof as may be necessary to pay the amount of such assessment and expenses of sale, and the application of the proceeds of such sale to the payment of the expenses of such sale, and the amount of compensation and damages awarded by such judgment. Such judgment shall be a lien upon the property against which such assessment is made, and may be enforced by a sale of the property assessed, as hereinafter provided.

Enforcement of judgment.

Sec. 351. Within thirty days after the entry of such judgment, the persons liable must pay to the clerk of the court, for the benefit of the parties entitled thereto, the several amounts specified in such judgment, in default of which the respective parcels of land upon which such assessments have not been paid shall be sold by the sheriff of such county under a certified copy of such judgment, and in the manner provided by law for the sale of property upon decree of foreclosure of mortgage.

Money, to whom paid.

Sec. 352. The moneys realized from such sale shall be paid by the officer making the same, to the clerk of the court, for the benefit of the parties entitled thereto.

Final order.

Sec. 353. Whenever the aggregate amount of damages or compensation awarded by such judgment shall have been paid to the clerk, either by voluntary payment or as moneys realized from sales under such judgment, the court must make and enter a final order or decree of condemnation of the lands taken for such improvement, which order or decree shall describe the property condemned and the purpose of such condemnation.

When title vests.

Sec. 354. A copy of such order or decree must be filed in the office of the recorder of such county, and thereupon, the property described therein shall vest in such city for

the uses and purposes therein specified; and such city shall be entitled to and may take immediate possession thereof.

Payment of awards.

Sec. 355. Whenever the aggregate amount of damages or compensation awarded by such judgment shall have come to the hands of the clerk, he shall, upon the demand of any person entitled thereto, pay to said party the amount awarded to him or her by said judgment.

Where more than one claimant.

Sec. 356. If there is more than one claimant to any parcel of land taken for such improvement, or if the owner of any parcel is unknown, the amount awarded as damages or compensation for the taking thereof shall remain in court to be awarded to the true owner by due process of law.

Appeal.

Sec. 357. Any party feeling aggrieved by any proceedings, orders, or judgments of such court herein provided for may appeal to the supreme court, as in other cases.

Appointment of police.

Sec. 358. The city council shall not have power to appoint a greater number of policemen than shall be equal to one for every one thousand of the population of such city. No policeman or member of the fire department shall be removed from office except upon the order and direction of the mayor, and after charges in writing have been made against him, and evidence upon the same shall have been heard in public in the mode and manner to be prescribed by ordinance.

Supply of gas and water.

Sec. 359. All gas and water pipes laid in any paved, macadamized, or graded street must be of sufficient capacity to afford a free supply of gas or water for the estimated necessities of such street, and the district to be supplied by such pipes, for a period of not less than five years from the time of laying the same; which estimate of necessity and capacity shall be made by the city engineer, and approved by the council. It shall be the duty of the council, by ordinance, to prescribe regulations for the laying of gas and water pipes in the public streets.

ARTICLE IV.—EXECUTIVE DEPARTMENT.

Duty of mayor.

Sec. 370. The mayor shall preside at all meetings of the city council, but the council shall elect a president pro tempore to preside during his absence. He shall communicate to the council semi-annually, or oftener if necessary a general statement of the situation and condition of the city, together with such recommendations relative thereto as he may deem expedient. He shall be vigilant and active in causing the ordinances of the city to be executed and enforced. He shall be the head of police, and shall exercise a supervision and control over the conduct of all subordinate officers, and receive and examine into all complaints preferred against any of them for violation or neglect of duty, and certify the same to the council. He shall sign all ordinances and contracts made on behalf of the city, and countersign all licenses and warrants on the treasury. He shall keep accounts current with every officer charged with the receipt or disbursement of money, and perform all the duties of an auditor. He shall perform such other duties as may be prescribed by law or ordinance.

Allowance of demands.

Sec. 371. Every demand upon the treasury, except for the salary of the mayor, must, before it can be paid, be presented to the mayor, to be allowed, who shall satisfy himself whether the money is legally due and remains unpaid, and whether the payment thereof from the treasury of the city is authorized by law, and out of what fund. If he allow it, he shall indorse upon it the word "Allowed," with the name of the fund out of which it is payable, with the date of such allowance, and sign his name thereto; but the allowance or approval of the mayor, or of the city council, or of any other board or officer, of any demand which upon the face of it appears not to have been expressly made by law payable out of the treasury or fund to be charged therewith, shall afford no warrant to the treasurer or other disbursing officer for paying the same. The demand of the mayor for his salary shall be audited and allowed by the president pro tempore of the city council.

Duty of chief of police.

Sec. 372. The chief of police shall execute, within the city, and return all process issued and directed to him by the city justices, or either of them, arrest all persons guilty of a breach of the peace, or of a violation of any ordinance of the council, and take them before the proper magistrate within the city; and do and perform, such other duties as may be prescribed by ordinance or may be required by the mayor.

Effect of records of street superintendent.

Sec. 373. The records kept by the street superintendent of the city, and signed by him, shall have the same force and effect as other public records, and copies therefrom, duly certified, may be used in evidence with the same effect as the originals. The said records shall, during all office hours, be open to the inspection of any citizen wishing to examine them, free of charge.

Office of street superintendent.

Sec. 374. The street superintendent shall keep a public office in some convenient place to be designated by the city council, and such records as may be required by law. He shall superintend and direct the cleaning of all the sewers in the public streets, and the expense of the same shall be paid out of the street department fund, and perform all duties required by law or ordinance of such city.

Duty of street superintendent.

Sec. 375. It shall be the duty of the street superintendent to see that the laws, orders, and regulations relating to the public streets and highways are fully carried into execution, and that the penalties therefor are regularly enforced. He shall keep himself informed of the condition of all public streets and highways, and also of all public buildings, parks, lots, and ground of the city, as may be prescribed by the council; and should he fail to see the laws, orders, and regulations relative to the public streets and highways carried into execution, after notice from any citizen of a violation thereof, he and his sureties shall be liable upon his official bond to any person injured in person or property in consequence of such neglect.

No recourse on city for certain damages.

Sec. 376. If, in consequence of any graded street or

public highway, improved under the provisions of this chapter, being out of repair, and in a condition to endanger persons or animals passing therein, any person while carefully using such street or public highway, and exercising ordinary care to avoid such danger, suffer damage to his person, or if any animals or other property, being lawfully ridden, driven, or conveyed through such street or public highway, be injured, lost, or destroyed through any such defect therein, no recourse for damages thus suffered shall be had against the city; but if such defect in such street or public highway shall have existed for a period of twenty-four hours or more after notice to the street superintendent, then the street superintendent, and also all other officers through whose official negligence such defect shall have remained unrepaired, shall jointly and severally be liable to the party injured for the damages so sustained.

City engineer, appointment of, and duties.

Sec. 377. The city council shall have power to appoint a city engineer, and by ordinance to prescribe his duties and fix his compensation, not to exceed eighteen hundred dollars per annum. It shall be the duty of the city engineer to do the surveying and other work necessary to be done by law or any ordinance of said city, and to survey, measure, and estimate the work done and to be done under contracts for grading streets; and every certificate of work done by him, signed in his official capacity, shall be prima facie evidence in all the courts of this state of the truth of its contents; he shall also keep a record of all surveys made by him.

Duties of treasurer.

Sec. 378. The treasurer shall receive and pay out all moneys belonging to the city, and keep an account of all receipts and expenditures, under such regulations as may be prescribed by ordinance; he shall make a monthly statement to the council of the receipts and expenditures of the preceding month, and in his capacity as city clerk he shall keep all the papers and documents belonging to the city, attend the meetings of the council, and keep a journal of their proceedings, and a record of all their ordinances, and shall do all other things required of him by ordinances.

Reports of officers.

Sec. 379. It shall be the duty of the several elected and appointed officers of said city, whenever required by the city council, to make reports to the said council, and in the manner required of them, and in their reports to embody all the matters and information required pertaining to the duties of their respective offices.

Other necessary affairs.

Sec. 380. The city council may provide by ordinance for the election or appointment of any other officer or officers necessary for the good government of the city, and the proper administration of the public interest, and shall prescribe their duties and terms of office, and fix their compensation.

ARTICLE V.—JUDICIAL DEPARTMENT.**Police court.**

Sec. 390. The judicial power of the city shall be vested in a police court, to be held therein by the city justices, or one of them, to be designated by the mayor, but either of said city justices may hold such court without such designation, and it is hereby made the duty of such city justices, in addition to the duties now required of them by law, to hold said police court.

Jurisdiction.

Sec. 391. The police court shall have exclusive jurisdiction of the following public offenses committed in the city:

1. Petit larceny;

2. Assault or battery, not charged to have been committed upon a public officer in the discharge of official duty, or with intent to kill;

3. Breaches of the peace, riots, affrays, committing willful injury to property, and all misdemeanors punishable by fine or by imprisonment, or by both such fine and imprisonment;

4. Of proceedings respecting vagrants, lewd or disorderly persons.

Jurisdiction.

Sec. 392. Said court shall also have exclusive jurisdiction of all proceedings for violation of any ordinance of

said city, both civil and criminal, and of an action for the collection of any license required by any ordinance of said city.

Justices inhibited in certain cases.

Sec. 393. Neither of said justices shall sit in cases in which he is a party, or in which he is interested, or where he is related to either party by consanguinity or affinity within the third degree, and in case of the sickness or inability of the city justices, either of them may call in a justice of the peace residing in the county to act in his place and stead.

Powers of justices.

Sec. 394. Each of the city justices, while acting as judge of said court, shall also have power to hear cases for examination, and may commit and hold the offender to bail for trial in the proper court, and may try, condemn, or acquit, and carry his judgment into execution as the case may require, according to law, and punish persons guilty of contempt of court; and shall have power to issue warrants of arrests in case of a criminal prosecution for a violation of a city ordinance, as well as in case of the violation of the criminal law of the state; also all subpoenas, and all other processes necessary to the full and proper exercise of his powers and jurisdiction; and in such of the cases enumerated in this section in which trial by jury is not secured by the constitution of the state, he may proceed to judgment in the first instance without a jury, but on appeal the defendant shall be entitled to trial by jury in the superior court.

Clerk of court.

Sec. 395. The police court shall have a clerk, to be appointed by the city council, upon the nomination of the mayor, who shall hold office during the pleasure of the council. The clerk shall keep a record of the proceedings of and issue all process ordered by the city justices, or either of them, or by said police court, and receive and pay weekly into the city treasury all fines imposed by said court. He shall also each month render to the mayor (as auditor) an exact and detailed account, upon oath, of all fines imposed and collected, and all fines imposed and uncollected, since his last report. He shall prepare bonds, justify bail, when the amount has been fixed by either of

the city justices or said court, in cases not exceeding one hundred dollars, and may administer oaths. The clerk shall remain at the court-room of said court during business hours, and during such reasonable times thereafter as may be necessary for discharging his duty. Before receiving his salary, each or any month, he shall make and file with the auditor an affidavit that he has deposited with the city treasurer all moneys that have come to his hands belonging to the city. Any violation of this provision shall be a misdemeanor. He shall give a bond in the sum of five thousand dollars, with at least two sureties to be approved by the mayor, conditioned for the faithful discharge of the duties of his office.

Disposition of moneys.

Sec. 396. All fines and other moneys collected on behalf of the city in the police court shall be paid into the city treasury on the first Tuesday of each month; and all bills for fees and costs due the officers of said court shall be reported to the city council each month.

Dockets.

Sec. 397. The city council shall furnish a suitable room for the holding of said court, and shall also furnish the necessary dockets and blanks. One docket shall be styled "The City Criminal Docket," in which all the criminal business shall be recorded, and each case shall be alphabetically indexed; another docket shall be styled "The City Civil Docket," and it shall contain each and every civil case in which the city is a party, or which is prosecuted or defended for her interest, and each case shall be properly indexed. A third docket shall contain all the other business appertaining to the office of said city justice, and in all cases the docket shall contain all such entries as are required by law to be made in justices' dockets; and in any case tried before the court, the docket must show what duties were performed by any officer of the court, and the amount of the fees due to the officer for such services, and what amount of money, if any, collected.

Court, when open.

Sec. 398. The police court shall be always open, except upon non-judicial days, and then for such purposes only as by law permitted or required of other courts of this state.

Appeals.

Sec. 399. Appeals may be taken from any judgment of said police court, to the superior court of the county in which such city may be situated, in the same manner in which appeals are taken from justices' courts in like cases.

Place of imprisonment.

Sec. 400. In all cases of imprisonment of persons convicted in said police court of any offense committed in the city, the persons so to be imprisoned, or by ordinance required to labor, shall be imprisoned in the city jail, or if required to labor, shall labor in the city.

Seal.

Sec. 401. Said court shall have a seal, to be furnished by the city.

Monthly report.

Sec. 402. The city justices shall, on the first Tuesday of each month, make to the city council a full and complete report of all the cases, civil and criminal, in which the city has an interest, or which are required to be entered in the city civil docket, or the city criminal docket; such report to be made upon blanks to be furnished by the city council, and in such form as they may require.

Transcripts and warrants.

Sec. 403. Certified transcripts of the dockets, made by the clerk of said court, under the seal of said court, shall be evidence in any court of this state of the contents of said docket; and all warrants and other process issued out of said court, and all acts done by said court, and certified under its seal, shall have the same force and validity in any part of this state as though issued or done by any court of record of this state.

ARTICLE VI.—EDUCATIONAL DEPARTMENT.**Board of education.**

Sec. 410. The government of the school department of the city shall be vested in a board of education, to consist of seven members, to be called school directors. One school director shall be elected from each ward at the regular municipal election, by the vote of the city at large, and shall hold office for the term of four years, and until his successor is elected and qualified; provided, that

the first board of education elected under the provisions of this chapter shall, at their first meeting, so classify themselves by lot as that three of their number shall go out of office at the expiration of two years, and four at the expiration of four years.

Organization.

Sec. 411. The board of education shall meet on the first Monday after their election, and elect one of their number president, and shall hold meetings at least once in each month thereafter at such times as shall be determined by a rule of said board. A majority of all the members elected shall constitute a quorum for the transaction of business, but a smaller number may adjourn from time to time. The board may determine the rules of its proceedings. Its sessions shall be public, and its records shall be open to public inspection. The board shall also have power to fill all vacancies occurring in the board until the next regular municipal election.

Power of board.

Sec. 412. The board of education shall have sole power:

1. To establish and maintain public schools, and to establish school districts, and to fix and alter the boundaries thereof.

Employees.

2. To employ and dismiss teachers, janitors, and school-census marshals, and to fix, alter, allow and order paid their salaries or compensation, and to employ and pay such mechanics and laborers as may be necessary to carry into effect the powers and duties of the board, and to withhold, for good and sufficient cause, the whole or any part of the salary or wages of any person or persons employed as aforesaid.

Regulation of schools.

3. To make, establish, and enforce all necessary and proper rules and regulations, not contrary to law, for the government and progress of public schools within the city, the teachers thereof, and the pupils therein, and for carrying into effect the laws relating to education; also to establish and regulate the grade of schools, and determine what text-books, courses of study, and mode of instruction shall be used in said schools.

Supplies.

4. To provide for the school department of the city fuel and lights, water, blanks, blank-books, printing and stationery, and to incur such other incidental expenses as may be deemed necessary by said board.

Building and repairs.

5. To build, alter, repair, rent, and provide schoolhouses, and furnish them with proper school furniture, apparatus, and appliances, and to insure any and all such school property.

To hold property in trust.

6. To receive, purchase, lease, and hold in fee, in trust for the city, any and all real estate, and to hold in trust any personal property that may have been acquired, or may hereafter be acquired, for the use and benefit of the public schools of the city; provided, that no real estate shall be bought, sold, or exchanged, or expenditures incurred for the construction of new schoolhouses without the consent of four members of the board of education and four members of the city council; and provided further, that the proceeds of any such sale or exchange of real estate shall be exclusively applied to the purchase of other lots, or the erection of schoolhouses; and the city council of the city is hereby authorized and required to make over to said board of education, upon application in writing by said board, through its president and secretary, by good and sufficient deeds of conveyance, all property, both real and personal, now held by said city council in trust for the city for the use and benefit of the public schools; and the said board is hereby authorized to defray all expenses attending the same.

To improve property.

7. To grade, fence, and improve all school lots, and in front thereof to grade, sewer, plank, or pave and repair streets, and to construct and repair sidewalks.

To sue and defend.

8. To sue for any and all lots, land and property belonging to or claimed by the said school department, and to prosecute and defend all actions at law or in equity necessary to recover and maintain the full enjoyment and possession of said lots, lands, and property.

To estimate money needed.

9. To determine annually the amount of money required for the support of the public schools, and for carrying into effect all the provisions of law in reference thereto; and in pursuance of this provision the board shall, on or before the first Monday in February of each year, submit in writing to the city council a careful estimate of the whole amount of money to be received from the state and county, and the amount required from the city for the above purposes, and the amount so found to be required from the city shall, by the city council, be added to the other amounts to be assessed and collected for city purposes; provided, that the amount to be thus assessed for school purposes shall not exceed thirty cents on each one hundred dollars valuation upon the assessment roll, but may be increased to forty cents by consent of two thirds of the city council, and that when collected it shall be immediately paid into the school fund, to be drawn out only upon the order of the board of education.

Disbursements.

10. To establish regulations for the just and equal disbursement of all moneys belonging to the public school fund.

Demands.

11. To examine and allow, in whole and in part, every demand payable out of the school fund, or to reject any such demands for good cause.

Incumbrances.

12. To discharge all legal incumbrances now existing, or which may hereafter exist, upon any school property.

Age limit.

13. To prohibit any child under six years of age from attending the public schools.

Other acts.

14. And generally to do and perform such other acts as may be necessary and proper to carry into force and effect the powers conferred on said board, and to increase the efficiency of the public schools in said city.

Oaths on demands.

Sec. 413: The president of the board of education shall have power to administer oaths and affirmations concern-

ing any demand upon the treasury payable out of the school fund, or other matters relating to his official duties.
Contracts.

Sec. 414. All contracts for building shall be given to the lowest bidder therefor offering adequate security, to be determined by the board, after due public notice published for not less than ten days in one daily paper of the city.

No director or superintendent to be a party.

Sec. 415. No school director or superintendent shall be interested in any contract pertaining in any manner to the school department of said city. All contracts in violation of this section are declared void, and any director or superintendent violating or aiding in violating the provisions of this section shall be deemed guilty of misdemeanor, and shall be punished by fine of not less than one hundred dollars nor more than one thousand dollars.
City board of examiners.

Sec. 416. No teacher shall be employed in any of the public schools without having a certificate issued under the provisions of this chapter. For the purpose of granting the certificates required, the board of education shall appoint a city board of examination. The city board of examination shall consist of the school superintendent and four other persons, residents of such city, at least two of whom shall be experienced teachers. The members of the city board of examination shall receive for their services such compensation as may be fixed by the board of education. Such city board of examination shall have power:
Rules.

1. To adopt rules and regulations not inconsistent with the laws of this state for its own government, and for the examination of teachers.

Examination.

2. To examine applicants, and to prescribe a standard of proficiency which will entitle the person examined to a certificate.

Certificates.

3. To grant city certificates of three grades:

1. High-school certificates, valid for six years, and authorizing the holder to teach any primary, grammar, or high school in such city;

2. City certificates, first grade, valid for four years, and authorizing the holder to teach any primary or grammar school in such city;

3. City certificates, second grade, valid for two years, and authorizing the holder to teach any primary school in such city.

4. Without examination, to grant city certificates and fix the grade thereof to the holders of state life diplomas, state educational diplomas, state normal-school diplomas, state university diplomas (when recommended by the faculty of the university), state certificates, city certificates granted in other cities of this state, and life diplomas, and state normal-school diplomas of other states;

5. To revoke or suspend for immoral or unprofessional conduct, profanity, intemperance, or evident unfitness for teaching, any certificate granted by them.

Secretary.

Sec. 417. The school superintendent shall act as secretary and bookkeeper of the board of education, and perform all clerical duties required by such board. In the absence of the superintendent, the board of education may appoint one of their own number to act as secretary. The school superintendent may appoint an assistant at a salary of one hundred dollars per month. The superintendent may, for a good and sufficient cause, provisionally suspend any teacher employed in the schools of such city until the next meeting of the board of education.

Superintendent's reports.

Sec. 418. The superintendent shall report to the board of education annually, and at such other times as they may require, all matters pertaining to the expenditures, income and condition and progress of the public schools of said city during the preceding year, with such recommendations as he may deem proper.

Duty of superintendent.

Sec. 419. It shall be the duty of the superintendent to visit and examine each school at least once a month, to observe, and cause to be observed, such general rules for the regulation and government and instruction of the schools, not inconsistent with the laws of the state, as may be established by the board of education; to attend

the sessions of the board, and inform them at each session of the condition of the public schools, schoolhouses, school fund, and other matters connected therewith, and to recommend such measures as he may deem necessary for the advancement of education in the city. He shall acquaint himself with all the laws, rules, and regulations governing the public schools in said city, and the judicial decisions thereon, and give advice on subjects connected with the public schools, gratuitously, to officers, teachers, pupils, and their parents and guardians.

Vacancy.

Sec. 420. In case of vacancy in the office of superintendent, the board of education shall have power to fill the vacancy until the next ensuing municipal election.

School fund.

Sec. 421. The school fund of the city shall consist of all moneys received from the state school fund; of all moneys arising from taxes which shall be levied annually by the city council of the city for school purposes; of all moneys arising from the sale, rent, or exchange of any school property, and of such other moneys as may, from any source whatever, be paid into said school fund; which fund shall be kept separate and distinct from all other moneys, and shall only be used for school purposes under the provisions of this chapter. If, at the end of any fiscal year, any surplus remains in the school fund, such surplus money shall be carried forward to the school fund of the next fiscal year, and shall not be, for any purpose whatever, diverted or withdrawn from said fund, except under the provisions of this chapter.

School fund, how expended.

Sec. 422. The said school fund shall be used and applied by said board of education for the following purposes, to wit:

1. For the payment of the salaries or wages of teachers, janitors, school-census marshals, and other persons who may be employed by said board;
2. For the erection, alteration, repairs, rent, and furnishing of schoolhouses;
3. For the purchase money or rent of any real or personal property purchased or leased by said board;
4. For the insurance of all property;

5. For the discharge of all legal incumbrances on any school property;

6. For lighting school-rooms and the offices and rooms of the superintendent and board of education;

7. For supplying the schools with fuel, water, apparatus, blanks, blank-books, and necessary school appliances, together with books for indigent children;

8. For supplying books, printing and stationery for the use of the superintendent and board of education, and for the incidental expenses of the board and department;

9. For the payment of the salary of the superintendent and assistant superintendent;

10. For grading and improving all school lots, and for grading, sewerage, planking, or paving and repairing streets, and constructing and repairing sidewalks in front thereof.

Claims.

Sec. 423. All claims payable out of the school fund shall be filed with the secretary of the board, and after they shall have been approved by a majority of all the members elect of said board, upon a call of the ayes and noes, which shall be recorded, they shall be signed by the president of the board and by the superintendent, and be sent to the city treasurer. Every demand shall have indorsed upon it a certificate of its approval. All demands for salaries shall be paid monthly.

Debt not to be in excess of income.

Sec. 424. All demands authorized by this article shall be paid by the city treasurer from the school fund, when the same shall be presented to him, ordered paid, and approved by the board; provided, that the said board shall not have power to contract any debt or liabilities, in any form whatsoever, against the said city, in contravention of this article, or exceeding in any year the income and revenue provided for the school fund for such year.

Auditor to certify.

Sec. 425. It shall be the duty of the auditor of the county in which any such city may be situated, upon the first Monday in each month, and at such other times as he may deem proper, to certify in duplicate to the superintendent of schools of such county, the amount of school moneys at that time in the county treasury, and the

amount received during the previous month. The county superintendent shall, upon receipt of such certificates, indorse upon one of them the amount of such moneys to which the common schools in such city are entitled. The certificate so indorsed shall at once be returned to said auditor, who shall direct upon the same the county treasurer to pay the sum designated upon such certificate to the treasury of such city for the use of the school fund thereof.

Treasurer to pay.

Sec. 426. The treasurer of such county shall thereupon pay to the treasurer of such city the sum directed by the auditor as above provided; and when said moneys are placed in such city school fund, they shall be used in precisely the same manner as moneys raised by city school taxes in such city; provided, that the entire revenue derived by such city from the state school fund, and the state school tax, shall be applied by said board of education exclusively to the support of primary and grammar schools.

CHAPTER IV.

MUNICIPAL CORPORATIONS OF THE THIRD CLASS.

(A charter for cities having a population of more than 15,000 and not exceeding 30,000.)

ARTICLE I.—GENERAL POWERS.

Third class.

Sec. 500. Every municipal corporation of the third class shall be entitled the city of ——— (naming it), and by such name shall have perpetual succession, may sue and be sued in all courts and places, and all proceedings whatever; shall have and use a common seal, alterable at the pleasure of the city authorities, and may purchase, lease, receive, hold, and enjoy real and personal property, and control and dispose of the same for the common benefit.

ARTICLE II.—GENERAL PROVISIONS RELATING TO OFFICERS.

City officers.

Sec. 501. The government of such city shall be vested in a mayor; a common council, to consist of seven aldermen; a board of education, to consist of seven school

directors; a police judge; an assessor; a clerk, who shall be ex-officio auditor; a treasurer; a superintendent of streets; a tax and license collector; a water-rate collector; a city attorney, and such other and inferior officers as the common council may appoint.

Election and tenure.

Sec. 502. The aldermen, mayor, police judge, city attorney, and assessor shall be elected by the qualified electors of such city, at a general municipal election to be held therein on the second Tuesday in March, in each even-numbered year. The mayor, police judge, city attorney, and assessor shall hold office for the period of two years from and after the Monday next succeeding the day of such election, and until their successors are elected and qualified. The members of the common council and board of education shall hold office for the period of four years from and after the Monday next succeeding the day of such election, and until their successors are elected and qualified; provided, that the first common council elected under the provisions of this chapter shall, at their first meeting, so classify themselves by lot as that three of their number shall go out of office at the expiration of two years, and four at the expiration of four years; and provided further, that the first board of education elected under the provisions of this chapter shall, at their first meeting, so classify themselves by lots as that three of their number shall go out of office at the expiration of two years, and four at the expiration of four years.

Other officers appointed.

Sec. 503. All other officers, except as otherwise in this chapter provided, shall be appointed by the common council, upon the nomination of the mayor, and shall hold office for the period of two years from and after the date of such appointment, and until their successors are appointed, elected, and qualified.

Bonds.

Sec. 504. The common council shall, by ordinance, determine what officers shall give bonds for the faithful performance of their duties, and fix the amount of such bond; and each of such officers shall, before entering upon the duties of his office, execute a bond to such city in such penal sum as the common council by ordinance may de-

termine, conditioned for the faithful performance of his duties, including in the same bond the duties of all offices of which he is made by this chapter ex-officio incumbent. Such bond shall be approved by the common council. All bonds, when approved, shall be filed with the clerk, except the bond of the clerk, if any, which shall be filed with the mayor. All the provisions of any law of this state relating to the official bonds of officers shall apply to such bonds except as herein otherwise provided. Every officer of such city, before entering upon the duties of his office, shall take and file with the clerk the constitutional oath of office.

Vacancies.

Sec. 505. Any vacancy occurring in any of the offices provided for in this chapter, except in the office of school director, shall be filled by appointment by the common council upon the nomination of the mayor, but if such office be elective, such appointee shall hold office only until the next regular election, at which time a person shall be elected to serve for the remainder of such unexpired term.

Compensation.

Sec. 506. The aldermen and school directors shall receive no compensation whatever. The annual salaries of other officers shall be as follows: Mayor, one thousand two hundred dollars; police judge, one thousand eight hundred dollars; assessor, one thousand eight hundred dollars; city attorney, one thousand five hundred dollars; street superintendent, one thousand two hundred dollars; clerk and auditor, one thousand five hundred dollars; tax and license collector, one thousand two hundred dollars; treasurer, one thousand dollars; water-rate collector, one thousand two hundred dollars; school superintendent, one thousand five hundred dollars; all of which salaries shall be paid monthly.

Elections.

Sec. 507. All elections in such city shall be held in accordance with the general election law of the state, so far as the same may be made applicable; and no person shall be entitled to vote at such election unless he shall be a qualified elector of the county, enrolled upon the great register thereof, and shall have resided in such city for

at least thirty days next preceding such election. The common council shall give such notice of each election as may be prescribed by ordinance, shall appoint boards of election, and fix their compensation, and establish and change election precincts and polling-places; provided, that no part of any ward less than the whole thereof shall be attached to any other ward, or part thereof, in forming election precincts. At any municipal election the last printed great register of the county shall be used, and any elector whose name is not upon such printed register shall be entitled to vote upon producing and filing with the board of election a certificate, under the hand and official seal of the county clerk, showing that his name is registered and uncanceled upon the great register of such county, provided that he is otherwise entitled to vote.

Eligibility to office.

Sec. 508. No person shall be eligible to or hold any office in such city, whether filled by election or appointment, unless he be a resident and elector therein, and shall have resided in such city for one year next preceding the date of such election or appointment; provided, however, that the provisions of this section shall not apply to school superintendents or school teachers. One alderman and one school director shall be elected from each ward, and the person so elected must be a resident of the ward from which he is so elected, and continue to be such resident during his term of office, and if he shall fail to so continue a resident of such ward, his office shall, by reason thereof, immediately become vacant.

Free library.

Sec. 509. The trustees of any free public library created or existing in such city under the provisions of an act entitled "An act to establish free public libraries and reading-rooms," approved April twenty-sixth, eighteen hundred and eighty, shall be appointed by the council in the same manner as other officers are appointed under the provisions of this chapter, anything in the provisions of said act to the contrary notwithstanding.

ARTICLE III.—LEGISLATIVE DEPARTMENT.

Common council—Meetings.

Sec. 520. The common council shall meet on the Monday next succeeding the date of said general municipal

election, and shall hold regular meetings at least once in each month, at such times as they shall fix by ordinance. Special meetings may be called at any time by the mayor, or by three aldermen, by written notice delivered to each member at least three hours before the time specified for the proposed meeting. All meetings of the common council shall be held within the corporate limits of the city, at such place as may be designated by ordinance, and shall be public.

Mayor to preside.

Sec. 521. At any meeting of the common council, a majority of the aldermen shall constitute a quorum for the transaction of business, but a less number may adjourn from time to time, and may compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance. The mayor shall preside at all meetings of the council, and in case of his absence, the council may appoint a president pro tem.; and in case of the absence of the clerk, the mayor or president pro tem. shall appoint one of the members of the council clerk pro tem.

Rules.

Sec. 522. The common council shall judge of the qualifications of its members, and of all election returns, and determine contested elections of all city officers. They may establish rules for the conduct of their proceedings, and punish any member or other person for disorderly behavior at any meeting. They shall cause the clerk to keep a correct journal of all their proceedings, and, at the desire of any member, shall cause the ayes and noes to be taken on any question, and entered on the journal.

Light and water ordinances.

Sec. 523. No ordinance, and no resolution or order for the payment of money, for granting any franchise, for lighting or watering streets, or for supplying water for municipal purposes, shall be passed by the common council on the day of its introduction, nor within five days thereafter, nor at any other than a regular meeting; and no ordinance, and no such resolution or order, shall have any validity or effect unless passed by the votes of at least four aldermen and approved by the mayor; provided, that if the mayor shall neglect or refuse to approve the same

within five days, then the same may be passed by the votes of five aldermen, and shall then take effect as if approved by the mayor.

Powers of council.

Sec. 524. The common council of such city shall have power:

Ordinances.

1. To pass ordinances not in conflict with the constitution and laws of this state, or of the United States.

Real estate.

2. To purchase, lease, or receive such real estate and personal property as may be necessary or proper for municipal purposes, and to control, dispose of, and convey the same for the benefit of the city; provided, that they shall not have power to sell or convey any portion of any water front.

Water supply.

3. To acquire, construct, repair, and manage pumps, aqueducts, reservoirs, and other works necessary or proper for supplying the city with water.

Streets.

4. To establish, lay out, alter, open, keep open, improve, and repair streets, sidewalks, alleys, bridges, squares, and other public highways and places within the city, and to drain, sprinkle, and light the same; to remove all obstructions therefrom; to establish the grades thereof; to grade, pave, macadamize, gravel, and curb the same in whole or in part, and to construct gutters, culverts, sidewalks, and cross-walks therein or upon any part thereof; to cause to be planted, set out, and cultivated, shade trees therein; and generally manage and control all such highways and places.

Sewers.

5. To construct and maintain drains and sewers.

Extinguishment of fires.

6. To provide fire-engines and all other necessary or proper apparatus for the prevention and extinguishment of fire, and to construct and maintain telegraph and telephone lines for fire and police purposes.

Poll-tax.

7. To impose on and collect from every male inhabitant

between the ages of twenty-one and sixty years an annual street poll-tax not exceeding two dollars; and no other road poll-tax shall be collected within the limits of such city.

Dog tax.

8. To impose and collect an annual tax, not exceeding two dollars, on every dog owned or harbored within the limits of the city; and no other dog tax shall be collected within the limits of such city.

Property tax.

9. To levy and collect annually a property tax, not exceeding one dollar on each one hundred dollars of the assessed value of all real and personal property within such city, which said tax shall be apportioned as follows: For the general fund, not exceeding fifty cents on each one hundred dollars; for the road fund, not exceeding twenty-five cents on each one hundred dollars; and for the school fund, not exceeding twenty-five cents on each one hundred dollars; each of which funds shall be kept separate from all others.

Licenses.

10. To license, for purposes of regulation and revenue, all and every kind of business authorized by law, and transacted or carried on in such city, and all shows, exhibitions, and lawful games carried on therein; to fix the rates of license tax upon the same, and to provide for the collection of the same by suit or otherwise.

Rivers.

11. To improve the rivers and streams flowing through such city, or adjoining the same; to widen, straighten, and deepen the channels thereof, and remove obstructions therefrom; to improve the water-front of the city; to construct and maintain embankments and other works to protect such city from overflow; and to bridge any creek or river so as not to interfere with navigation.

Public buildings.

12. To erect and maintain buildings for municipal purposes.

Tracks and pipes.

13. To permit, under restrictions as they may deem proper, the laying of railroad tracks and the running of

cars drawn by horses, steam, or other motive power thereon, and the laying of gas and water pipes in the public streets, and the construction and maintenance of telegraph and telephone lines therein.

Ward division.

14. To divide the city, by ordinance, into seven wards as nearly equal in population as may be, to fix the boundaries thereof, and to change the same from time to time; provided, that no change in the boundaries of any ward shall be made within sixty days next before the date of said general municipal election, nor within twenty months after the same shall have been established or altered.

Fire department.

15. To establish and regulate a fire department and a police department, to appoint and remove the officers and employees thereof, and to prescribe their duties and fix and order paid their salaries and compensation.

Subordinate officers.

16. To appoint and remove such subordinate officers as they may deem proper, and to fix their duties and compensation.

Imposition of penalties.

17. To impose fines, penalties, and forfeitures for any and all violations of ordinances; and for any breach or violation of any ordinance, to fix the penalty by fine or imprisonment, or both; but no such fine shall exceed five hundred dollars, nor the term of such imprisonment exceed six months.

Prison labor.

18. To cause all persons imprisoned for violation of any ordinance to labor on the streets or other public property or works within the city.

Other acts.

19. To do and perform any and all other acts and things necessary or proper to carry out the provisions of this chapter.

Enacting clause.

Sec. 525. The enacting clause of all ordinances shall be as follows: "The mayor and common council of the city of — do ordain as follows." Every ordinance shall be signed by the mayor, attested by the clerk, and pub-

lished at least five times in a newspaper published in such city.

Common council to audit.

Sec. 526. All demands against such city, except for school purposes, shall be presented to and audited by the common council, in accordance with such regulations as they may by ordinance prescribe; and upon the allowance of any such demand, the mayor shall draw a warrant upon the treasurer for the same, which warrant shall be countersigned by the clerk, and shall specify for what purpose the same is drawn, and out of what fund it is to be paid.

No debt in excess of available money.

Sec. 527. The common council shall not create, audit, allow, or permit to accrue any debt or liability in excess of the available money in the treasury that may be legally apportioned and appropriated for such purposes; provided, that any city, during the first year of its existence under this act, may incur such indebtedness or liability as may be necessary, not exceeding in all the income and revenue provided for it for such year; nor shall any warrant be drawn, or evidence of indebtedness be issued, unless there be at the time sufficient money in the treasury legally applicable to the payment of the same, except as hereinafter provided.

Indebtedness in excess to be decided by election.

Sec. 528. If, at any time, the common council shall deem it necessary to incur any indebtedness in excess of the money in the treasury applicable to the purpose for which such indebtedness is to be incurred, they shall give notice of a special election by the qualified electors of the city, to be held to determine whether such indebtedness shall be incurred. Such notice shall specify the amount of indebtedness proposed to be incurred, the purpose or purposes of the same, and the amount of money necessary to be raised annually by taxation for an interest and sinking fund, as hereinafter provided. Such notice shall be published for at least three weeks in some newspaper published in such city; and no other question or matter shall be submitted to the electors at such election. If, upon a canvass of the votes cast at such election, it appear that not less than two thirds of all the qualified electors voting at such election shall have voted in favor of incurring such

indebtedness, it shall be the duty of the common council to pass an ordinance providing for the mode of creating such indebtedness, and of paying the same; and in each ordinance provision shall be made for the levy and collection of an annual tax upon all the real and personal property subject to taxation within such city sufficient to pay the interest on such indebtedness as it falls due; and also to constitute a sinking fund for the payment of the principal thereof, within a period of not more than twenty years from the time of contracting the same. It shall be the duty of the common council in each year thereafter, at the time at which other taxes are levied, to levy a tax sufficient for such purpose, in addition to the taxes by this chapter authorized to be levied. Such tax, when collected, shall be kept in the treasury as a separate fund, to be inviolably appropriated to the payment of the principal and interest of such indebtedness.

Violation of ordinances.

Sec. 529. The violation of any ordinance of such city shall be deemed a misdemeanor, and may be prosecuted by the authorities of such city in the name of the people of the state of California, or may be redressed by civil action, at the option of said authorities. Any person sentenced to imprisonment for the violation of an ordinance may be imprisoned in the city jail; or, if the common council by ordinance shall so prescribe, in the county jail of the county in which such city may be situated, in which case the expense of such imprisonment shall be a charge in favor of such county and against such city.

Nuisances.

Sec. 530. Every act or thing done or being within the limits of such city, which is or may be declared by law or by any ordinance of such city to be a nuisance shall be and is hereby declared to be a nuisance, and shall be considered and treated as such in all actions and proceedings whatever; and all remedies which are or may be given by law for the prevention and abatement of nuisances shall apply thereto.

System of street work.

Sec. 531. The common council are authorized and empowered to provide, by ordinance, a system for doing any or all work in or upon the streets, highways, and pub-

lic places of such city, and for making therein street improvements and repairs, and for doing any or all work authorized by subdivisions four and five of section five hundred and twenty-four of this act, and for the payment of the cost and expenses thereof, either by the levy and collection of special assessments therefor, in proportion to benefits, upon the property to be benefited thereby, or by payments made out of the road fund of such city, or by both; provided, that in all cases where more than one half of the expense of any such improvement, except the construction of a sewer or drain, exceeding in amount the sum of one thousand dollars, is to be defrayed by special assessment, the common council shall first adopt a resolution, which shall be entered upon their journal, declaring their intention to make such improvement, and fixing a time at which objections to the making of such improvement will be considered. Such resolution shall also designate the boundaries of the district to be affected or benefited by such improvement. Upon adopting such resolution, the common council shall give notice of such intention, which notice shall be published for twenty days in a newspaper, printed and published in such city. Such notice shall describe the improvement so proposed to be made, and state the estimated cost thereof, and designate the time set for such hearing, and shall refer to such resolution so entered upon the journal for such description of boundaries. If, at or before the time so fixed, written objections to such improvement, signed by the owners of two thirds in value of the property so to be affected or benefited, as shown by the last preceding city assessment roll, be not filed with the clerk, the common council shall be deemed to have acquired jurisdiction to order the making of such improvement. Any such special assessment made and levied to defray the cost and expenses of any such work, together with any percentage imposed for delinquency and the costs of collection, shall constitute a lien upon and against the property upon which such assessment is made and levied, from and after the date of the order for such assessment; which lien may be enforced by a summary sale of such property, and the execution and delivery of all necessary certificates and deeds therefor, under such regulations as may be prescribed by ordinance, or by an action in any court of competent jurisdiction to

foreclose such lien; provided, that any property sold to satisfy any such lien shall be subject to redemption within the time and in the manner provided, or that may hereafter be provided by law for the redemption of property sold for taxes.

Right of way.

Sec. 532. The common council are authorized and empowered to provide by ordinance for the establishing, laying out, extending, and widening streets and other public highways and places within the city, and for taking private property therefor, and for taking private property for the purpose of rights of way for drains, sewers, and aqueducts, and for the purpose of widening and straightening the channels of streams, and the improvement of water fronts; but no private property or right of way over or through the same shall be taken without the consent of the owner thereof until a just compensation for the same shall be ascertained and paid to such owner, or into court for his use. If the owner of any parcel of land proposed to be taken for any such improvement shall be dissatisfied with the amount of compensation awarded by said council for the taking of such parcel, he may, within twenty days after the date of such award, commence an action against such city in any court of competent jurisdiction within the city, township, or county, to recover such amount of compensation as he may consider himself entitled to. The amount of compensation ascertained and awarded in such action shall be deemed and taken to be the amount of compensation to which such person will be entitled if such improvement be made. If such person fail to recover in such action a greater amount of compensation than was so awarded by said council, he shall not recover costs but shall pay costs to such city. Any owner of or person interested in any such parcel of land, who shall fail to commence such action within the time herein limited, shall be deemed to have waived his right in that behalf, and to have assented to and ratified the award of said council. The common council shall not acquire jurisdiction to exercise any of the powers hereinbefore in this section enumerated, until a petition in writing therefor is first presented to said council, signed by at least twenty inhabitants of said city, taxable therein for municipal purposes. Such petition must describe generally the street, highway, or

public place proposed to be laid out or established, or the proposed alteration by widening or extending the same, or by widening or straightening the channels of streams, or by the improvement of water fronts; or if a right of way is sought for drains, sewers, or aqueducts, such petition shall describe the proposed route for the same. Such petition shall be heard at a regular meeting of the council, notice of such hearing being given by the clerk by publication in a newspaper published in such city, for a period of three weeks before such hearing. Such notice shall be deemed to give said council full jurisdiction over the subject-matter, and over the person of every owner of or person interested in any parcel of land to be taken or assessed for any such improvement; and every person interested, from and after the expiration of such publication, shall be deemed to have notice of all subsequent proceedings; provided, that nothing herein contained shall be construed to prevent such council from giving such other or further notice as they may deem proper. At the time fixed in such notice, or at such time to which such hearing may be postponed, the council shall proceed to hear and determine the prayer of such petition pursuant to such rules and regulations as may be prescribed by such ordinance. Such system, so established by ordinance, may provide for the payment of such compensation, either by the levy and collection of special assessments therefor, in proportion to benefits upon the property to be affected or benefited by any such improvement, or by payments made out of the street fund, or river and water front improvement fund of such city, or by both. Any such special assessment made and levied to provide means for the payment of any such compensation and the cost of ascertaining the same, together with any percentage imposed for delinquency and the costs of collection, shall constitute a lien upon and against the property upon which such assessment is made and levied, from and after the date of the order for such assessment; which lien may be enforced by a summary sale of such property, and the execution and delivery of all necessary certificates and deeds therefor, under such regulations as may be prescribed by ordinance, or by an action in any court of competent jurisdiction to foreclose such lien; provided; that any property sold to satisfy any such lien shall be

subject to redemption within the time and in the manner provided or that may hereafter be provided by law for the redemption of property sold for taxes.

Taxes and tax sales.

Sec. 533. The common council shall have power, and it shall be their duty, to provide by ordinance for the assessment, levy, and collection of all city taxes, which shall conform, as nearly as the circumstances of the case may permit, to the provisions of the laws of this state in reference to the assessment, levy, and collection of state and county taxes, except as to the times for such assessment, levy, and collection, and except as to the officers by whom such duties are to be performed. All taxes assessed, together with any percentage imposed for delinquency and the costs of collection, shall constitute liens on the property assessed from and after the first Monday in March in each year; which liens may be enforced by a summary sale of such property, and the execution and delivery of all necessary certificates and deeds therefor, under such regulations as may be prescribed by ordinance, or by actions in any court of competent jurisdiction to foreclose such liens; provided, that any property sold for such taxes shall be subject to redemption within the time and in the manner provided or that may hereafter be provided by law for the redemption of property sold for state or county taxes. All deeds made upon any sale of property for taxes or special assessments under the provisions of this chapter shall have the same force and effect in evidence as is or may hereafter be provided by law for deeds for property sold for non-payment of state or county taxes.

Laws concerning indebtedness to continue in force.

Sec. 534. No money shall be expended or drawn out of the street fund for any but street and sewer purposes, and no money shall be expended or drawn out of the school fund for any but school purposes. Whenever any city organizing under this act has a bonded indebtedness contracted or issued under any law of this state, all the provisions of such laws in regard to the levying, collection, and disposition of taxes and revenues for the payment of such indebtedness and the interest thereon, shall continue in force, and the taxes levied and revenues raised for the

payment of the interest and principal of such indebtedness shall be in addition to the taxes provided by section five hundred and twenty-four of this act, and the common council of said city, organizing under this act, is hereby authorized and empowered to levy and collect such taxes and apportion such revenues for the payment of such indebtedness and interest, in addition to the limit of taxation hereinbefore prescribed in this act; and nothing in this chapter shall be construed to prevent any city from levying and collecting the tax authorized by the act entitled, "An act to establish free public libraries and reading-rooms," approved April twenty-sixth, eighteen hundred and eighty, in addition to the taxes herein authorized to be levied and collected. All moneys received from licenses, and from fines, penalties and forfeitures, shall be paid into the general fund.

River improvement.

Sec. 535. The common council may also levy and cause to be collected, in each year, in addition to the taxes herein authorized to be levied and collected, a tax, not exceeding twenty cents on each one hundred dollars of the assessed value of all real and personal property within such city subject to taxation, the proceeds of which tax shall be known as the "River and Water-front Improvement Fund," and shall be applied to the improvement of streams, bays, and water-fronts, the erection of embankments, and other works to protect the city from overflow, and the construction of works of drainage, and for no other purposes whatever.

Public work to be done by contract.

Sec. 536. In the erection, improvement, and repair of all public buildings and works, in all street and sewer work, and in all work in or about streams, bays, or water-fronts, or in or about embankments or other works for protection against overflow, or in furnishing any supplies or materials for the same, when the expenditures required for the same exceeds the sum of five hundred dollars, the same shall be done by contract, and shall be let to the lowest responsible bidder, after due notice, under such regulations as may be prescribed by ordinance; provided, that the common council, or board of education, may reject all bids presented, and readvertise, in their discretion; and

provided further, that in case of any great and unforeseen calamity or emergency the common council, by a resolution, unanimously adopted and approved by the mayor, may dispense with the foregoing provisions of this section, the reason for such action being entered on their minutes. The common council shall, annually, at a stated time, contract for doing all city printing and advertising, which contract shall be let to the lowest bidder, after notice as provided in this section. All advertising shall be done in a newspaper printed and published in such city, and the contract therefor shall be awarded separately from all other printing.

ARTICLE IV.—EXECUTIVE DEPARTMENT.

Mayor.

Sec. 550. The mayor shall be at the head of the executive department of the city. It shall be his duty to be vigilant and active in causing the laws and ordinances of the city to be duly executed and enforced; to have the general supervision of the police department; to receive and examine into all complaints preferred against any officer, and to certify the same to the common council; to administer and certify oaths and affirmations in any and all matters and proceedings pertaining to the city; to preside at all meetings of the common council; and to perform such other duties as are or may be prescribed by law or ordinance.

Clerk.

Sec. 551. It shall be the duty of the clerk to keep a true and correct record of all the proceedings of the common council, and to countersign all warrants; to keep accounts current with every officer charged with the receipt or disbursement of money; to keep the seal of the city and affix the same to all instruments requiring such seal; to perform the duties required of him by the next section; to report to the common council on the first Monday of each and every month a full and detailed statement of the receipts and disbursements of the treasury during the preceding month, and the state of each particular fund, which statement shall be verified by his oath; to administer and certify oaths and affirmations; to perform such duties in and about the assessment, levy, and col-

lection of taxes and assessments as may be prescribed by law or ordinance; to appoint deputies; and to perform such other and further duties as the common council may by ordinance prescribe.

Treasurer.

Sec. 552. It shall be the duty of the treasurer to receive, upon the order of the clerk, all moneys due or belonging to the city, for which he shall give his receipt, which receipt shall be filed with the clerk by the person making such payment, and the clerk shall give to such persons his receipt therefor, which receipt shall be the only evidence of payment. He shall pay all warrants drawn by authority of and in accordance with law. He shall perform such duties in the collection of taxes or assessments as are or may be prescribed by law or ordinance. He shall, on the first Monday of each and every month, present to the common council a full and detailed statement of the amount of money belonging to the city received by him, and by him disbursed during the preceding month, and the state of each particular fund, which statement shall be verified by his oath. He may appoint deputies by and with the consent of the common council, and shall perform such other duties as are or may be prescribed by law or ordinance.

Compensation, how fixed.

Sec. 553. The common council shall, by ordinances not inconsistent with the provisions of this chapter, prescribe the duties of all officers, and fix their compensation.

ARTICLE V.—JUDICIAL DEPARTMENT.

Police and justices' courts.

Sec. 560. The judicial power of the city shall be vested in a police court, to be held by the police judge of such city. Said police court shall have jurisdiction, concurrently with the justices' courts, of all criminal actions and proceedings arising within the corporate limits of such city, and which might be tried in such 'justices' courts; and shall have exclusive jurisdiction of all actions for the recovery of any fine, penalty, or forfeiture prescribed for the breach of any ordinance of such city, of all actions founded upon any obligation or liability created by any ordinance, and of all prosecutions for any violation of any

ordinance. The rules of practice and mode of proceeding in said police court shall be the same as are or may be prescribed by law for justices' courts in like cases; and appeals may be taken to the superior court of the county in which such city may be situated from all judgments of said police court, in like manner and with like effect as in cases of appeals from justices' courts. Said court shall be a court of record.

Police judge.

Sec. 561. The police judge shall be judge of the police court, and shall have the powers and perform the duties of a magistrate. He may administer and certify oaths and affirmations, and take and certify acknowledgments.

When disqualified.

Sec. 562. In all cases in which the police judge is a party, or in which he is interested, or when he is related to either party by consanguinity or affinity within the third degree, or is otherwise disqualified, or in case of his sickness or inability to act, the mayor may call in a justice of the peace residing in the city to act in the place and stead of the police judge; or if there be no justice of the peace residing in the city, or if all those so residing are likewise disqualified, then he may call in any justice of the peace residing in the county in which such city may be situated.

Clerk of court.

Sec. 563. The common council shall appoint, upon the nomination of the mayor, a clerk for said police court. Said clerk shall keep the records of said court and the seal thereof, and perform such other duties as may be required of him by law or ordinance. He shall receive a salary of one hundred dollars per month. The council shall also provide a seal for said police court.

ARTICLE VI.—SCHOOL DEPARTMENT.

Board of education.

Sec. 570. From and after the organization of each of such cities, the same shall constitute a separate school district, which shall be governed by the board of education of such city.

Vacancies.

Sec. 571. In case a vacancy shall occur in the office of school director, the board of education shall choose a person to fill such vacancy, who shall serve until the next election, when, if the term does not then expire, a person shall be elected to serve for the remainder of such unexpired term.

Meetings.

Sec. 572. The board of education shall meet on the second Tuesday after such general municipal election, and choose one of its members as president, and another as vice-president. Its regular meetings shall thereafter be held as often as twice in each month, and the time and place for holding such meetings shall be fixed by a rule of said board. Special meetings of said board may be held when called by written notice, signed by its president, or three of its members, and delivered personally to each of its members who shall not have signed the same. Four members shall constitute a quorum, and no business shall be transacted by said board of education without the concurrence of four of its members; but a majority of the members present at any meeting may adjourn from time to time. All meetings of said board of education shall be public, and full records of its proceedings shall be kept by the school superintendent, who shall be ex-officio clerk of said board of education.

Powers of board.

Sec. 573. The board of education shall have power:

To maintain schools.

1. To establish and maintain public schools, and to subdivide the school districts, and to fix and alter the boundaries of such subdivisions.

Superintendent.

2. To appoint a school superintendent, who shall hold office during their pleasure, and to prescribe his duties, and fix his compensation,

Employees.

3. To employ and dismiss teachers, janitors, truant-officers, and school-census marshals, and to fix, alter, allow, and order paid their salaries or compensation; and to employ and pay such mechanics and laborers as may

be necessary to carry into effect the powers hereby conferred.

Regulation of schools.

4. To make, establish, and enforce all necessary or proper rules and regulations, not in conflict with the laws of this state, for the government and management of public schools within such city, the teachers thereof, and the pupils therein, and for carrying into effect the laws relating to education.

Supplies.

5. To provide for the school department of such city fuel and lights, water, printing, and stationery, and to incur such other incidental expenses as may be deemed necessary by said board.

Building and repairs.

6. To build, alter, repair, rent, and provide school-houses, and to furnish the same with proper school furniture, apparatus, and appliances, and to insure any and all school property.

Real estate.

7. To purchase, receive, lease, and hold in fee, in trust for such city, any and all real estate and personal property that may have been acquired, or may hereafter be acquired, for the use and benefit of the schools of such city; provided, that no real estate shall be bought, sold, or exchanged, nor any expenditure incurred for the construction of new school-houses, without the approval of the common council; and provided further, that the proceeds of any such sale or exchange of real estate shall be exclusively applied to school purposes.

Improvement.

8. To grade, fence, and improve all school lots.

To determine moneys needed.

9. To determine annually the amount of money required for the support of the public schools, and for carrying into effect all the provisions of law in reference thereto; and in pursuance of this provision, the board of education shall, at least ten days before the meeting of the common council at which the annual city taxes are levied, submit in writing to the common council a careful estimate of the whole amount of money to be received from the state

and county, and of the amount to be required from such city for the above-mentioned purpose; and the amount so found to be required from the city shall, by the common council, be added to the other amounts to be assessed and collected for city purposes, and when collected, the proceeds thereof shall be immediately paid into the school fund of such city, to be drawn out only upon the order of the board of education; provided, that such annual tax shall not exceed twenty-five cents on each one hundred dollars of the assessed valuation of the real and personal property within such city.

Disbursement regulations.

10. To establish regulations for the just and equal disbursement of all moneys belonging to the school fund.

Incumbrances.

11. To discharge all legal incumbrances existing at the time of the incorporation of such city, or thereafter, on any school property within such city.

Admission of non-residents.

12. To admit non-resident children, and persons over twenty-one years of age, to any of the departments of the schools of such city, upon the payment, monthly, in advance, to the treasurer of such city, for the school fund, of such tuition fee as said board may establish.

Age limit.

13. To prohibit any children under six years of age from attending the public schools.

Grades and text-books.

14. To establish and regulate the grades of schools in such city, and the course of study, and the mode of instruction to be pursued therein, and to determine what text-books shall be used.

Other acts.

15. To do and perform, in addition to the foregoing powers, such other acts as may be necessary or proper to carry into effect the powers hereby conferred.

Board may sue.

Sec. 574. The board of education may sue and be sued by their name of office. In any action or judicial proceeding against said board, service of process upon the president, or upon a majority of the members of the board, shall

be sufficient to give the court jurisdiction to hear and determine the same.

County treasurer to pay over.

Sec. 575. All moneys received by the treasurer of the county wherein such city may be situated, on account of the school fund of such city, or the school district consisting of the same, and all sums received into the county treasury, which may be apportioned to said city or district, shall be paid to the treasurer of such city by the treasurer of such county, as soon as received, or as soon as the apportionment shall be made, when apportionment is necessary.

Powers of president.

Sec. 576. The president of the board of education shall have power to administer oaths and affirmations concerning any demand upon the treasury, payable out of the school fund, and in all other matters relating to the duties of the board of education, and to witnesses examined in any investigation had by such board of education, or by a committee thereof, duly appointed by it for that purpose.

Same.

Sec. 577. Said president may issue subpoenas under his hand and the seal of such city, attested by the city clerk, to compel the attendance of witnesses before such board of education, or committee thereof, who shall be entitled to the same fees as witnesses in civil cases, and who may be punished for contempt for non-attendance, or refusal to be sworn, or to answer, by the superior court of the county in which such city may be situated.

Claims.

Sec. 578. Every claim payable out of the school fund shall be filed with the clerk of the board of education, and after it shall have been approved by the board, a certificate of such approval shall be indorsed thereon, signed by the president and clerk; and a warrant upon the school fund shall be issued thereon for the payment of such claim, which warrant shall be signed by the president of such board, and countersigned by the clerk, and shall specify for what purpose the same is drawn.

Entire revenue for schools.

Sec. 579. The entire revenue derived by such city from

the state school fund and the state school tax shall be applied by said board of education exclusively to the support of primary and grammar schools.

ARTICLE VII.—MISCELLANEOUS PROVISIONS.

Moneys collected.

Sec. 590. Every officer collecting or receiving any moneys belonging to or for the use of such city shall settle for the same with the clerk on the first Monday in each month, and immediately pay the same into the treasury, on the order of the clerk, for the benefit of the funds to which such moneys respectively belong.

No officer to be interested in contracts.

Sec. 591. No officer of such city shall be interested, directly or indirectly, in any contract with such city, or with any of the officers thereof, in their official capacity, or in doing any work or furnishing any supplies for the use of such city or its officers in their official capacity; and any claim for compensation for work done, or supplies or materials furnished, in which any such officer is interested, shall be void, and if audited and allowed shall not be paid by the treasurer. Any willful violation of the provisions of this section shall be a ground for removal from office, and shall be deemed a misdemeanor, and punished as such.

CHAPTER V.

MUNICIPAL CORPORATIONS OF THE FOURTH CLASS.

(Charter for cities having a population of more than 10,000 and not exceeding 15,000.)

ARTICLE I.—GENERAL POWERS.

Fourth class.

Sec. 600. Every municipal corporation of the fourth class shall be entitled the city of — (naming it), and by such name shall have perpetual succession, may sue and be sued in all courts and places, and in all proceedings whatever, and shall have and use a common seal, and the same alter at pleasure; may purchase, receive, have, take, hold, lease, use, and enjoy property of every name or description, and control and dispose of the same for the common benefit.

**ARTICLE II.—GENERAL PROVISIONS RELATING TO OFFICERS.
Officers.**

Sec. 601. The officers of such city shall consist of a mayor, twelve councilmen, a collector, who shall also be street commissioner, an assessor, treasurer, city clerk, police judge, city attorney, chief of police, superintendent of public schools, and two school trustees for each ward; and whenever a free public library and reading-room is established therein, five trustees thereof; and the council may also provide for the election, by the voters of said city, or by said council, of a superintendent of irrigation. The city council may also elect a city surveyor, harbor-master, pound-keeper, and city jailer, and whenever a paid fire department shall be established in such city, a chief engineer, and one or more assistant engineers, and any other officer necessary to carry out the provisions of this chapter, and for whose election or appointment no provision is made, and may by ordinance prescribe the duties of all city officers, and fix their compensation, subject to the limitations herein contained.

Election under this act.

Sec. 602. On the first Tuesday after the first Monday of November of each odd-numbered year a municipal election shall be held, at which the qualified voters of such city shall elect one school trustee for each ward, and six councilmen, to be voted for by the wards they may respectively represent, and each to hold office for the term of four years, and until the qualification of his successor; and also a mayor, an assessor, a collector and street commissioner, city attorney, police judge, chief of police, and superintendent of public schools, who shall each hold office for two years, and until the qualification of a successor; provided, that at the first election held after the organization of such city under this act such city shall elect two school trustees for each ward, and twelve councilmen, who shall, at the first meeting of the city council and board of education, respectively, decide by lot their terms of office; six of said councilmen and one half of the number of school trustees to hold for the term of four years, and the others for the term of two years, and in each case until the qualification of their successors.

Provisions concerning elections.

Sec. 603. The city council shall call all city elections, designate the time and place of holding the same, giving at least ten days' notice thereof, and shall appoint one inspector or clerk, and two judges of election, for each ward or election precinct in such city, who shall appoint two clerks, and all shall take the oath of office prescribed by law for inspectors, judges, and clerks of state and county elections. All provisions of law regulating elections for state and county officers, not conflicting herewith, shall apply to elections under this chapter. The polls for all city elections shall be open at eight o'clock A. M., and continue open until five o'clock P. M., the same day. If any officer so appointed shall fail to attend, those attending, with the electors assembled, shall fill their places by others from the qualified electors present. All returns of city elections shall be made out and signed by the officers of such election in the usual form, and deposited with the city clerk within two days after the election. The persons having the plurality of the votes cast for each of the respective offices voted for shall be declared elected. No person shall vote at any city election unless he shall be an elector for state and county officers, and shall have actually resided within such city, and in the precinct where he may offer to vote, thirty days preceding such election; provided, that any elector who may remove from one precinct to another within thirty days prior to such election may, if a qualified voter therein at the time of removal, vote in the precinct from which he may have moved. If any person not having the legal qualifications of an elector at any city election shall fraudulently vote, or attempt to vote, or knowingly hand in two or more ballots folded together, or shall vote, or attempt to vote, more than once at the same election, such person or persons, on conviction thereof, shall be fined in any sum not less than twenty nor more than five hundred dollars, or be imprisoned in the county jail for any period not more than three months, or may be punished by both such fine and imprisonment.

City council to canvass vote.

Sec. 604. On the Monday following the election, the city council shall convene and publicly canvass the result, and

shall issue certificates of election to each person elected by a plurality of votes. When two or more persons have received an equal and highest number of votes for any one of the offices voted for, the city council shall thereafter, at its first regular meeting, decide by vote between the parties which shall be elected. If the city council from any cause fail to meet on the day named, the mayor shall call a special meeting of said council within five days thereafter, and in addition to the notice provided for calling special meetings, shall publish the same on two successive days in some newspaper published in such city. If the mayor fail to call said meeting within said five days, any four councilmen may call it. At such special meeting all elections, appointments, or other business may be transacted that could have been on the day first herein named.

Office, when vacant.

Sec. 605. Each officer of such city shall take the oath of office, and such as may be required to give bond, file the same, duly approved, within ten days after receiving notice of his election or appointment, or if no notice be received, then on or before the date fixed for the assumption by him of the duties of the office to which he may have been elected or appointed; but if any one, either elected or appointed to office, fail for ten days to qualify as required by law or to enter upon his duties at the time fixed by law or the orders of the city council, then such office shall become vacant; or if any such officer shall absent himself from such city continuously for ten days without the consent of the city council, or shall openly neglect or refuse to discharge his duties, such office may be by the city council declared vacant; provided, that the penalty for absence from the city shall not apply to such officers as serve without salary or other compensation. Such officers as are elected by the voters of the city shall enter upon their duties on the first Monday of January next succeeding the date of their election; such officers as are appointed or elected by the city council shall enter upon their duties within ten days after receiving notice of their appointment or election.

Unexpired terms.

Sec. 606. When any vacancy occurs in any elective of-

office, except the mayor, the city council may fill the same for the unexpired term, except in case of city councilmen, or school trustees, which shall be filled until the next city election, and until the qualification of a successor. The city council may, upon written charges to be entered upon their journal, after notice to the party, and after trial, by a vote of two thirds of all the members elect, remove any officer.

Official bonds.

Sec. 607. It shall be the duty of the city council to provide for the accountability of the city assessor, treasurer, clerk, police judge, collector, and street commissioner, city attorney, and all other officers herein provided for, by requiring from them sufficient security for the faithful performance of their duties or trusts, which security shall be given by them before entering on their respective duties. If such security should be or become insufficient, additional security may be required, and if not given within ten days, the council, by a vote of two thirds of the members, may declare the office vacant, and may thereafter fill the same.

Compensation.

Sec. 608. The mayor, councilmen, and school trustees shall not receive any salary or compensation for their services; provided, that members of the city council, or a committee thereof for that purpose appointed, may receive for their services, while acting as a board of equalization, a sum to be determined by the council, not to exceed for each one five dollars per day, for each day while actually so engaged, for two weeks in each year, and no longer.

Street commissioner.

Sec. 609. The collector and street commissioner shall receive a salary, to be fixed by the city council, which shall not exceed the sum of fifteen hundred dollars per annum.

No additional compensation.

Sec. 610. The city council shall have no power to allow any extra or additional compensation to that in this chapter expressly authorized to any officer for the rendition of services that the city council have power to require the officer to perform by virtue of his office.

Ward division.

Sec. 611. In case any such city shall, at the time of its organization under this act, be divided into wards, such divisions shall continue, but the city council may, at any time not within three months previous to an annual city election, change the boundaries of such wards, or divide it into others, not exceeding six in number; provided, that such change shall not affect the term of office of any councilman or school trustee, but they shall serve out their term for the ward in which their residence may be; but if more reside within any one ward than the proportion to which it is entitled, those of the shortest unexpired term shall, by the council, be assigned for such unexpired term to a ward where there is a vacancy. The representation of each ward in the city council shall be as near as may be in proportion to its population, but each ward shall have two school trustees.

ARTICLE III.—LEGISLATIVE DEPARTMENT.**City council.**

Sec. 620. The mayor and councilmen of the several wards shall constitute the city council, and at its first meeting in January next after a city election shall elect a city clerk, city treasurer, and one of their own body as president of the city council, and at any time when the mayor and president are both absent, may elect a president pro tem., who shall act during such absence. They shall also, at such time, designate the number of policemen for such city, to be elected as hereinafter provided.

Meetings.

Sec. 621. A majority of the councilmen elect shall constitute a quorum for the transaction of business. A less number may adjourn from time to time, and they may compel the attendance of absent members. The council may punish their members for disorderly conduct, and upon written charges to be entered on their journal, for such conduct, after trial, may expel a member by a vote of two thirds of all the members elected. The mayor shall have a vote only in case of a tie in the votes of the other members. They shall determine their rules of proceeding and the qualification of members. The sittings of the council shall be open to the public, except where the interests of the city shall require secrecy. A journal of all

their proceedings shall be kept by the clerk under their direction. At any time, at the request of any two members, the ayes and noes on any question shall be taken and entered upon the journal.

Powers of council.

Sec. 622. The city council shall have power and authority to make and pass all by-laws, ordinances, orders, and resolutions not repugnant to the constitution of the United States or of the state of California, or the provisions of this charter, necessary for the municipal government and the management of the affairs of the city, for the execution of the powers vested in said body corporate, and for carrying into effect the provisions of this chapter; to fix and collect a license tax on and to regulate theaters, melodons, balls, concerts, dances, and all theatrical, melodeon, circus, or other performances, and all performances where an admission fee is charged, or which may be held in any house or place where wines or liquors are sold to the participators; also all shows, billiard-tables, bowling-alleys, exhibitions, or amusements; to fix and collect a license tax on and to regulate all taverns, hotels, restaurants, saloons, bar-rooms, banks, brokers, manufactories, livery-stable keepers, express companies, and persons engaged in transmitting letters or packages, railroad, stage, and steamboat companies or owners, whose principal place of business is in such city, or who shall have an agency therein; to license and regulate auctioneers; to license, regulate, tax, prohibit, or suppress all tippling-houses, dram-shops, saloons, bars, bar-rooms, rafles, hawkers, peddlers, pawn-brokers, refreshment or coffee-stands, booths, or sheds; to prohibit or suppress, or to license and regulate, all dance-houses, fandango-houses, cock-fights, dog-fights, or any exhibition or show of any animal or animals; to license and tax hackney-coaches, cabs, omnibuses, drays, market-wagons, and all other vehicles used for hire, and to regulate their stands, and to fix the rates to be charged for the transportation of persons, baggage, and property; and to license or suppress runners for steamboats, railroads, taverns, or hotels; and to fix and collect a license tax upon all occupations and trades, and all and every kind of business authorized by law, not heretofore specified; and provided, that in the business of selling intoxicating drinks, wines, ales, and beers, in less-

quantities than one quart, or to be drank on the premises where sold, and on any other business, trade, or calling not provided by law to be licensed for state and county purposes, the amount of license shall be fixed at the discretion of the city council, as they may deem the interests and good order of the city may require; also to prevent and restrain any riot or riotous assemblage, disturbance of the peace, or disorderly conduct, in any place, house, or street in the city; to prevent, remove, and abate nuisances at the expense of the parties creating, causing, or committing, or maintaining the same; to establish, maintain, and regulate a common pound for estrays, and to appoint a pound-keeper, who shall be paid out of the fines and fees imposed and collected of the owners of any animals impounded, and from no other source; to prevent and regulate the running at large of any and all domestic animals within the city limits, or any parts thereof; and to regulate or prevent the keeping of such animals within any part of the city; to control and regulate slaughter-houses, wash-houses, laundries, tanneries, forges, and offensive trades, and to provide for their exclusion or removal from the city limits, or from any part thereof; to provide, by regulation, for the prevention and summary removal of all filth and garbage in the streets, sloughs, alleys, backyards, or public grounds of such city, or elsewhere therein; to establish, alter, and repair city prisons, and to provide for the regulation of the same, and for the safe-keeping of persons committed thereto; to provide for the care, feeding, and clothing of the city prisoners; to provide for the formation of a chain-gang for persons convicted of crimes or misdemeanors, and their proper employment and compulsory working for the benefit of the city; and also to provide for the arrest and compulsory working of vagrants; to prohibit and suppress all gaming, and all gambling or disorderly houses, and houses of ill-fame, and all immoral and indecent amusements, exhibitions, and shows; to establish and regulate markets and market-places; to fix and regulate the speed at which railroad cars may run within the city limits, or any portion thereof; to provide for and regulate the commons of the city; to regulate and prohibit fast driving or riding in any portion of the city; to regulate or prohibit the loading or storage of gunpowder and combustible or explosive mate-

rials in the city, or transporting the same through its streets or over its waters; to have, purchase, hold, use, and enjoy property of every name or kind whatsoever, and the same to sell, lease, transfer, mortgage, convey, control, or improve; to build, erect, or construct houses, buildings, or structures of any kind needful for the use or purposes of such city; to establish, continue, regulate, and maintain a fire department for such city; to change or reorganize the same, and to disband any company or companies of the said department; also to discontinue and disband said fire department, and to create, organize, establish, and maintain a paid fire department for such city; provided, that nothing in this chapter shall be construed to authorize the said city council to disband or discontinue the fire department of any city having, at the time of its organization under this act, a volunteer fire department organized and existing, or to create, establish, and maintain a paid fire department therein, without first submitting the proposition of establishing a paid fire department for such city to the legal voters thereof, at a general city election, for decision, and not after such election, unless thereat a majority of all the votes cast at such election are in favor thereof; and in the event that any time hereafter the volunteer fire department of such city shall be disorganized or disbanded, and a paid fire department established in its stead, then every person who shall have been an active fireman for the space of two years next before the date of such disbanding and establishing shall be entitled to and shall receive an exempt fireman's certificate, and such certificate shall entitle the person to whom it is issued to all benefits and immunities accorded by the laws of this state in regard to exempt firemen; to institute and perfect any and all measures and means for the prevention or extinguishment of fires; to establish fire limits, and the same to alter at pleasure; to regulate or prevent the erection of wooden or other buildings or structures of combustible materials; to regulate the construction of buildings, sheds, awnings, signs, or any structures of a dangerous or unsafe character; to adopt, enter into, and carry out means for securing a supply of water for the use of such city or its inhabitants, or for irrigating purposes therein; to prevent the overflow of the city, or to secure its drainage; to provide for the numbering of

houses; to establish a board of health; to prevent the introduction and spread of disease; to establish a city infirmary, and provide for the indigent sick; and to provide and enforce regulations for the protection of health, cleanliness, peace, and good order of the city; to establish and maintain hospitals within or without the city limits; to control and regulate interments, and prohibit them within the city limits; to build, alter, improve, keep in repair, and control the water-front; to erect, regulate, and repair wharves, and to fix the rate of wharfage and transit wharf, and levy dues upon vessels and commodities; and to provide for the regulation of berths, landing, stationing, and removing of steamboats, sail vessels, rafts, barges, and all other water craft; to fix the rate of speed at which steamboats and other steam water craft may run along the water-front of the city; to build bridges so as not to interfere with navigation; to provide for the removal of obstructions to the navigation of any channel or water-course; to clear out and excavate sloughs and other water-courses or channels; to license steamers, boats, and vessels used in any water-course in the city, and to fix and collect a license tax thereon; to license ferries and bridges under the law regulating the granting of such license; to determine and impose fines for forfeitures and penalties that shall be incurred for the breach or violation of any city ordinance, and also for a violation of the provisions of this chapter, when no penalty is affixed thereto or provided by law, and to appropriate all such fines, penalties, and forfeitures for the benefit of the city; but no penalty to be enforced shall exceed, for any offense, the amount of five hundred dollars, or three months' imprisonment, or both; and every violation of any lawful order, regulation, or ordinance of the city council of such city is hereby declared a misdemeanor or public offense, and all prosecutions for the same may be in the name of the people of the state of California; to create and establish a city police; to prescribe their duties and their compensation, and to provide for the regulation and government of the same; to provide for conducting elections and establishing election precincts, when necessary; to examine, either in open session or by committee, the accounts or doings of all officers or other persons having the care, management, or disposition of moneys, property, or

business of the city; to make all appropriations, contracts, or agreements for the use or benefit of the city, and in the city's name; to provide by ordinance for the opening, laying out, altering, constructing, extending, repairing, grading, paving, graveling, macadamizing, or otherwise improving of public streets, avenues, and other public ways, or any portion of either thereof, and for the construction, regulation and repair of sidewalks, and other street improvements, all at the expense of the property to be benefited thereby, without any recourse, in any event, upon the city for any portion of the expense of such work, or any delinquency of the property-holders or owners, and to provide for the forced sale thereof for such purposes; to establish a uniform grade for streets, avenues, sidewalks, and squares, and to enforce the observance thereof; to clear, cleanse, alter, straighten, widen, fill up, or close any water-way, drain, or sewer, or any water-course in such city, when not declared by law to be navigable; to adopt, provide for, establish, and maintain a general system of sewerage, or drainage, or both, and the regulation thereof, the expense thereof to be borne by general taxation upon the taxable property and inhabitants of and in such city; to provide funds for the purpose aforesaid, and to determine manner, terms, and place of connection with main or central lines of pipes, sewers, or drains established with funds derived from general tax, and compel compliance with and conformity to such general system of sewerage, or drainage, or both, and the regulations of said council thereto relating, by the infliction of suitable penalties and forfeitures against person and property, or either, for non-conformity to or failure to comply with the provisions of such system and regulations, or either; to provide for all public buildings, public parks, or squares, necessary or proper for the use of the city; to permit the use of the streets for railroad purposes; to order paid any final judgment against such city; but none of its lands, or property of any kind or nature, taxes, revenues, franchise, or rights, or interest, shall be attached, levied upon, or sold in or under any process whatsoever; to regulate the sale of coal and wood in such city, and may appoint a measurer of wood and weigher of coal for the city, and define his duties, and prescribe his term of office, and the fees he shall receive for his services; provided,

that such fees shall, in all cases, be paid by the parties requiring such service.

Indebtedness not to exceed means in the treasury.

Sec. 623. The city council shall not create, audit, allow, nor permit to accrue any debts or liabilities above the actual revenue and available means in the treasury that may be legally apportioned for such purpose, nor shall any warrant be drawn, or evidence of indebtedness be issued, unless there shall be sufficient money in the treasury justly applicable to meet the same.

Council to audit demands.

Sec. 624. All accounts and demands that shall lawfully arise against the city shall be submitted to the city council, and if found correct shall be allowed, and an order be made that the demand be paid; upon which (if there be funds in the treasury as in the preceding section provided) the clerk shall draw a warrant, which shall be countersigned by the president of the city council, upon the treasurer, in favor of the owner or owners of the demand, specifying for what purpose and by what authority it is issued, and out of what fund it is to be paid, and the treasurer shall pay the same out of the proper fund. All accounts and demands against such city, other than such as are chargeable to or payable out of the school fund, must be presented to the city council duly itemized, and accompanied with an affidavit of the party, or his agent, stating the same to be a true and legitimate claim against such city for the full amount for which the same is presented, and that the same accrued as set forth, and with all necessary and proper vouchers, within one year from the date the same accrued; and any claim or demand not so presented within the time aforesaid shall be forever barred, and said council shall have no authority to allow any account or demand not so presented in manner and time as aforesaid, nor shall any action be maintained against such city for or on account of any demands or claim against the same until such demand or claim shall have first been presented to the city council for action thereon.

Limitation of expenditures.

Sec. 625. The annual expenses of such city shall not exceed the sum of one hundred thousand dollars, except

in cities where one per cent on the valuation of the property therein raises more than the sum of one hundred thousand dollars, and in such cities the annual expenses shall not exceed the sum of one per cent of the valuation of the property therein; provided, however, that moneys authorized to be raised and expended for the payment of the funded or bonded indebtedness of such city, and for school purposes in such city, as provided to be raised by the provisions of this chapter, shall not be considered a portion of said annual expense. If, at any time after the said sum shall have been expended in any year, it shall appear that the interests of such city demand an expenditure of an additional sum, the city council shall make a report of the same, which shall be published for at least three weeks in some newspaper printed and published in such city, particularly specifying the object or objects for which said expenditure is required, and the amount of money necessary to be raised to complete the same. At any time within ten days after the expiration of said publication, the city council shall order an election, giving ten days' notice thereof, at which time those persons who are legal voters of such city may vote for or against a tax to raise such additional sum. The election shall be conducted and returns made and canvassed in all respects as the general elections of such city, and a majority shall determine if such tax be levied or not. If the vote is in favor of such tax, the city council shall forthwith, by an order to be entered on the journal of their proceedings, order the tax to be levied and collected upon the basis of the last municipal assessment, and shall make the proposed expenditure; provided, that the special tax thus to be levied shall, for no one year, be more than one per cent of the valuation of real and personal property in the city, as shown by the last assessment roll. All special taxes to be levied and collected under the provisions of this section shall be levied and collected in the manner, form, and ways prescribed for the levying and collecting of the general taxes of such city; and as a security for their payment, a lien shall attach to and against each lot of land for the amount assessed against it from the date of the order; and every person, firm, or corporation against whom a tax be thus assessed shall be personally liable to pay the amount to such city. Said lien shall continue

until such taxes are paid, or the property become vested in a purchaser under a sale thereof. [Amendment approved March 19, 1889. Stats. 1889, p. 371. In effect immediately.]

Excessive expenditure void.

Sec. 626. Every appropriation or payment of money made or ordered by the city council in excess of said sum stated in section six hundred and twenty-five, unless it shall be authorized by a vote of the electors of such city, as provided for in the preceding section, shall be invalid, illegal, and void, and shall be recoverable by the city from the party or parties to whom the same is made, if knowingly taken or received by such party or parties; and the members of the city council who shall have voted for the same shall be individually, jointly, and severally liable for such excess, and it may be recovered from them in any court of competent jurisdiction by the party or parties with whom they have contracted, or by the city, if payment has been actually made. [Amendment approved March 19, 1889. Stats. 1889, p. 371. In effect immediately.]

Public streets.

Sec. 627. All the streets in such city that have been or shall hereafter be laid out and dedicated by the party or parties owning the land fronting upon the same, or by the authority of such city, and declared to be public streets, and that have been or shall hereafter be used as such, shall be and are hereby declared public streets to the extent that the same may have been or shall hereafter be used, laid out, or dedicated.

Contracts for works and materials.

Sec. 628. All contracts for work to be performed, or materials to be used, ordered by or for such city, or in which it is interested, may be, and when the cost exceeds five hundred dollars shall be, let to the lowest bidder. A notice, signed by the clerk, soliciting sealed proposals, shall be published a reasonable time, in no case less than ten days, prior to the time fixed for opening such bids. Such notice shall designate the work to be done, and the place and the time in which it may be performed, with such other specifications as may tend to give the bidders a knowledge of the object to be accomplished, and with a

reference to the diagram or specifications on file in the clerk's office. On the day limited in said notice for the opening of said bids the council, or a committee therefor appointed, shall, in open meeting, open and declare said bids and award the contract to the lowest responsible bidder; provided, however, that the city council, or its committee, may reject all bids when considered too high or uncertain from any circumstances. The council or committee may, before considering any offer, require security that the party will enter into a contract if awarded to him; and all contracts shall be in writing, and accompanied with a bond satisfactory to the mayor. No officer of such city shall be interested in any contract to which the city is a party, and any contract contrary to the provisions hereof shall be void.

Improvement of public highways.

Sec. 629. The city council is authorized and empowered to establish, lay out, alter, open, improve, and repair streets, avenues, sidewalks, alleys, bridges, squares, and other public highways and places within the city, and to drain, sprinkle, and light the same; to remove all obstructions therefrom; to establish the grades thereof; to grade, pave, macadamize, gravel, and curb the same, in whole or in part, and to construct gutters, culverts, sidewalks, and cross-walks therein, or upon any part thereof; to cause to be planted, set out, and cultivated, shade trees along the lines thereof or therein, and generally to manage and control all such highways and places.

Apportionment of expense.

Sec. 630. The city council shall have the power to provide by ordinance for doing any or all work in or upon the streets, avenues, highways, and public places of such city, and for making therein street improvements and repairs, or for the preservation thereof, and for doing any or all work thereupon or therein authorized by this chapter; and for the payment of the cost and expenses thereof by the levy and collection of special assessments therefor upon the property to be affected or benefited thereby. That is to say, the expense or cost of any work or improvement upon the streets, avenues, or public ways of such city shall be assessed upon the lots and lands fronting thereon, each lot or portion of a lot being separately

assessed for the full debt thereof in proportion to the benefits upon the property to be benefited sufficient to cover the total expense of the work to the center of the street on which it fronts. The expense of all improvements in the space formed by the junction of two or more streets, or where one main street terminates in or crosses another main street, and also all necessary street-crossings or crossways, shall be paid by such city. In all the streets constituting the water-front of such city, or bounded on the one side by the property thereof, the expense of work done on that portion of said streets from the center line thereof to the said water-front, or to such property of the city bounded thereon, shall be provided for by such city, but no contract for any such work shall be given, except to the lowest responsible bidder, and in the manner hereinbefore provided. When any work or improvement mentioned in this section is done or made on one side of the center line of said streets, avenues, or public ways, the lots or portions of lots fronting on that side only shall be assessed to cover the expenses of said work, according to the provisions of this chapter.

Enacting clause.

Sec. 631. The style of the city ordinances shall be as follows: "The mayor and city council of the city of — do ordain as follows"; and all ordinances shall be published in one or more of the newspapers published in the city.

Publication of ordinances.

Sec. 632. By-laws and ordinances shall be passed by the city council and approved by the mayor, or the president of the city council acting in his stead. But before any by-law or ordinance shall have any binding validity, it shall be published in one or more newspapers published in the city, and recorded in the record-book to be kept by the clerk. The clerk shall certify on the record the fact of publication, and so certified, the record shall be prima facie evidence of the passage thereof, and may be read as evidence of the by-law or ordinance, and its publication. A printed copy of any ordinance or by-law, or a compilation thereof, printed by authority of the city council, and attested by the clerk, shall be evidence thereof in same manner and with like effect.

Entry on journal.

Sec. 633. All orders of the city council, to have force and legal validity, shall be entered on the journal of their proceedings, which journal shall be signed by the officer who may preside at such meeting.

Ayes and noes.

Sec. 634. Upon the passage of all ordinances appropriating money, imposing taxes, abolishing licenses, increasing or lessening the amount to be paid for licenses, the ayes and noes shall be entered upon the journal.

Majority necessary.

Sec. 635. A majority of all the members elected shall be necessary to pass any ordinance appropriating for any purpose the sum of five hundred dollars or upwards, or any ordinance imposing any assessment, tax or license, or in any wise increasing or diminishing the city revenue.

Free library.

Sec. 636. The trustees of any free public library, created or existing in such city under the provisions of an act entitled "An act to establish the public libraries and reading-rooms," approved April twenty-sixth, eighteen hundred and eighty, shall be appointed by the city council in the same manner as other officers are appointed under the provisions of this chapter, anything in the provisions of said act to the contrary notwithstanding.

ARTICLE IV.—TAXATION.

Tax levy.

Sec. 640. The city council shall have full power and authority to assess, levy, and collect annually taxes upon all the property within the city, taxable for state purposes, not exceeding one per cent upon the assessed value thereof, which shall be paid into the general fund for current expenses. They shall provide for the payment of the principal and interest of the bonded indebtedness, if any, of such city, and for the payment of the other indebtedness of such city not funded; and they shall each year levy, assess, and collect an additional tax upon the taxable property as aforesaid, not exceeding two per cent in any one year, which, when collected, shall be paid into a fund to be disbursed as follows:

1. To pay the interest on said bonds;

2. To a fund for the payment of the principal thereof; and,

3. To meet any indebtedness, as aforesaid, not funded.

And the city council, in making said levy, shall estimate the proportion requisite for each fund, and the same shall be expended, under the direction of the city council, for the purpose aforesaid, and for no other purpose. Said tax shall be levied, assessed, and collected upon all property liable to taxation within such portion and such limits, and so much of the territory of such city as shall be liable therefor under the laws and charters in existence at the time of the organization of such city under this act; and if, by reason of extension of territory, or from any cause, a portion only, or a certain district, of such city be liable, under said laws and charters, for the payment of the bonded and other indebtedness above named, or any portion of either thereof, the city council in levying such tax shall make such levy upon and against the property which is situated and persons who may reside in the territory of such city, liable in each case for the payment of such indebtedness, or any particular class or portion thereof, according to such existing laws and charters. The city council shall also have power to raise annually, by tax upon all the property within the city taxable for state purposes, whatever amount of money may be requisite for the support of free public schools therein, including high schools, and providing and furnishing houses therefor; but the tax provided for in this section shall not exceed thirty-five cents on each one hundred dollars valuation upon the assessment roll in any one year, and may, in like manner, raise by tax a fund for the establishment and maintenance of a free public library and reading-room; such tax not to exceed, in any one year, the rate of ten cents on each one hundred dollars valuation.

Duty of assessor.

Sec. 641. It shall be the duty of the city assessor to prepare, between the first day of January and the first Monday in April in each year, and present to the city clerk, with his certificate of its correctness, a list of all the real and personal property within the city on the first day of January taxable for state and county purposes, with a true valuation thereof on the first day of January, which said assessment list shall conform as near as prac-

licable, when not inconsistent with the provisions of this chapter, to the assessment list required by law to be made by the county assessor for state and county purposes; also, to make all assessments for the improvements of streets as herein or by ordinance provided; to be present at the sessions of all boards of equalization mentioned in this chapter, and to furnish to said board such information as may be required, and to perform such other services in reference to the assessments of property in the city or otherwise appertaining to his office as the city council by ordinance or resolution may require. During the session of the board of equalization the city assessor shall enter upon the assessment list all the changes and corrections made by the board, and may assess and add to such list any property in such city not previously assessed. In the assessment and listing of property for taxation, and in the collection of tax upon personal property not secured by lien upon real estate, he shall have and may exercise the same powers as are conferred by law upon county assessors, and shall receive therefor the same fees and compensation. He shall receive a salary to be fixed by the city council, which shall not exceed five hundred dollars per annum. [Amendment approved March 19, 1889. Stats. 1889, p. 371. In effect immediately.]

Equalization.

Sec. 642. The city council, or a committee of their number selected for that purpose by the city council, at a meeting thereof to be held on the first Monday of April of each year, shall constitute a board of equalization, and shall, after the assessor shall have completed and handed in his assessment list to the city clerk, and after five days' notice published in some newspaper in such city, hold meetings to hear and determine all complaints respecting the valuation of property as fixed by the assessor in such list, and shall have power, on their own motion, with or without complaint made, to modify and change such valuation in any way they shall deem just and proper; provided, however, that before making any change in any assessment, the board shall notify the person interested by letter, deposited in the postoffice or express, postpaid, and addressed to such person, at least three days before action taken, of the day fixed when the matter shall be investigated; provided, further, that no reduction must be made

in the valuation of property, unless the party affected thereby, or his agent, makes and files with the board a written application therefor verified by his oath, showing the facts upon which it is claimed such reduction should be made. Any member of said board shall have power to administer oaths and affirmations in the matters before said board, and the sessions of said board shall be held from time to time, as in its notice specified, for the period of two weeks, and no longer.

Clerk to complete.

Sec. 643. After the board of equalization shall have completed their duties, the city clerk shall add up the columns of valuation, and enter the total valuation of each description of property in the list, and the total value of all property assessed and listed thereon; and thus equalized and added up, the clerk shall, on the first Monday of May thereafter, deliver it to the city council.

Levy of the tax.

Sec. 644. On the first Monday in May in every year the city council, by an ordinance, shall levy upon all the property in the city taxable by law for state purposes a tax for school purposes, and for the current and general expenses of the city, and, in conformity to the provisions of this chapter, shall levy any and all other taxes by law directed then to be levied or assessed; and, in conformity with the provisions of this chapter, shall levy a tax for the payment of the funded debt upon the property liable therefor. Every tax so levied is made a lien, which shall attach on said day in each year to and against all real property assessed for the amount assessed against it; and if said property be assessed to a wrong person, or by a wrong name, said lien shall in no wise be affected or invalidated, and it shall not be satisfied or removed until the taxes are paid, or the property has absolutely vested in a purchaser under and by reason of a sale for such taxes. Every tax assessed upon personal property is a lien upon the real property of the owner thereof from and after the time of the levy of such tax. The fiscal year shall begin on the first day of January; and the terms "real and personal property" shall have the same meaning as the same terms used in the revenue laws of the state.

List to be delivered to collector.

Sec. 645. As soon as the city council have declared and levied the taxes in any year, as in the preceding section provided, the city clerk shall carry out, in a separate money column in the list, the amount of taxes assessed against each individual, firm, company, corporation, or unknown owner, and add and put down the aggregate of all taxes as shown by the list; and as thus carried out, the city clerk shall certify to its correctness, and on or before the third Monday of May thereafter deliver it to the city collector, and shall charge him with the amount of taxes so footed up, and take his receipt therefor.

Collection.

Sec. 646. The collector, on receiving the assessment list certified by the clerk, shall proceed to collect the taxes specified therein, and pay over the same into the treasury, taking a receipt thereof. For the purpose of collecting the taxes authorized by this chapter, the city collector shall have such powers as are given by the revenue laws of this state to collectors of state and county taxes, so far as the same are applicable. All taxes unpaid at the close of official business on the third Monday of June shall be deemed delinquent, after which time the collector shall receive no money for taxes; and he shall, on said day, enter upon assessment roll a levy upon all property therein assessed the taxes upon which remain unpaid, and shall immediately ascertain the total amount of taxes unpaid, and file in the office of the city clerk a list of all persons and property then owing taxes, verified by his oath, which list shall be known as the delinquent list.

Delinquencies.

Sec. 647. On the third Monday in June of each year, at six o'clock P. M., all unpaid taxes are delinquent, and thereafter the collector must collect thereon, for the use of the city, an addition of five per cent.

Delinquent list.

Sec. 648. On the first Monday in July of each year, the city collector must deliver to the city clerk a complete delinquent list of all persons and property then owing taxes; and in the list so delivered must be set down in numerical or alphabetical order all matters and things con-

tained in the assessment-roll and relating to delinquent persons or property.

Verification.

Sec. 649. The city clerk must carefully compare such delinquent list with the assessment-roll, and if satisfied that it contains a full and true statement of all taxes due and unpaid, he must foot up the total amount of taxes so remaining unpaid, credit the city collector therewith, and make a final settlement with him of all taxes charged against him on the assessment roll; and must require from him the treasurer's receipt for the full amount of taxes collected.

Certification.

Sec. 650. After settlement with the city collector, as prescribed in the preceding section, the city clerk must charge the city collector with the amount of taxes due on the delinquent tax list, with the five per cent added thereto, and within three days thereafter deliver the list, duly certified to such city collector.

Publication.

Sec. 651. On or before the third Monday in July of each year, the city collector must publish the delinquent list, which must contain the names of the persons and a description of property delinquent, and the amount of taxes and costs due, opposite each name and description, with the taxes due on personal property, added to taxes on real estate where the real estate is liable therefor, or the several taxes are due from the same person. To said list must be appended and with it published a notice that unless the taxes delinquent, together with the costs and percentage, are paid, the real property upon which such taxes are a lien will be sold at public auction, and designating therein the time and place of such sale, which must take place in or in front of the city collector's office, and not less than fourteen nor more than twenty-one days from the first publication. ■

Collector to certify.

Sec. 652. Said list must be published three times a week for two successive weeks in some newspaper or supplement thereto published in such city, and when such publication is completed, and before commencing the sale, the city collector must file with the city clerk a copy

of the publication, with his affidavit attached thereto, that it is a true copy of the same, that the publication was made in a newspaper or a supplement thereto, stating the name and place of publication; such affidavit shall be prima facie evidence of all the facts therein stated. The expense of the publication of the delinquent list is to be paid by the city.

Additional amount.

Sec. 653. The city collector must collect, in addition to the taxes due on the delinquent list, and five per centum added thereto, fifty cents on each lot, piece, or tract of land separately assessed, and on each assessment of personal property, one half of which must go to the city, and the other to the city collector, in full for preparing the list.

Sale.

Sec. 654. On the day fixed for the sale, or on some subsequent day to which he may have postponed it, of which he must give notice, the city collector, between the hours of ten o'clock A. M. and three P. M., must commence the sale of the property advertised, commencing at the head of the list, and continuing alphabetically, or in the numerical order of lots and blocks, until completed.

Postponement.

Sec. 655. He may postpone the day of commencing the sale, or the sale, from day to day; but the sale must be completed within two weeks from the day first fixed.

Owner may designate portion.

Sec. 656. The owner or person in possession of any real estate offered for sale for taxes due thereon may designate, in writing, to the city collector, prior to the sale, what portion of the property he wishes sold, if less than the whole; but if the owner or the possessor does not, then the collector may designate it, and the person who will take the least quantity of the land, or in case an undivided interest is assessed, then the smallest portion of the interest, and pay the taxes and costs due, including fifty cents to the city collector for the duplicate certificate of sale, is the purchaser.

Duplicate certificate.

Sec. 657. After receiving the amount of the taxes and costs, the city collector must make out in duplicate a cer-

tificate, dated on the day of sale, stating (when known) the name of the person assessed, a description of the land sold, the amount paid therefor, that it was sold for taxes, giving the amount and year of the assessment, and specifying the time when the purchaser will be entitled to a deed.

Delivery.

Sec. 658. The certificates must be signed by the collector, and one copy delivered to the purchaser, and the other filed in the office of the county recorder.

Record of sales.

Sec. 659. The city collector, before delivering any certificate, must in a book enter a description of the land sold, corresponding with the description in the certificate, the date of sale, purchaser's name, and amount paid, regularly number the descriptions on the margin of the book, and put a corresponding number on each certificate. Such book must be open to public inspection, without fee, during office hours, when not in actual use.

Lien vested in purchaser.

Sec. 660. On filing the certificate with the county recorder, the lien of the city vests in the purchaser, and is only divested by the payment to him, or to the city treasurer for his use, of the purchase money, and fifty per cent thereon.

Redemption.

Sec. 661. A redemption of the property sold may be made by the owner, or any party in interest within twelve months from the date of the purchase.

Records of redemption.

Sec. 662. On receiving the certificate of sale, the recorder must file it, and make an entry in a book similar to that required of the collector. On the presentation of the receipt of the person named in the certificate or of the city treasurer for his use, of the total amount of redemption money, the recorder must mark the word "Redeemed," the date, and by whom redeemed, on the certificate, and in the margin of the book where the entry of the certificate is made.

Purchaser's deed.

Sec. 663. If the property is not redeemed within the

time allowed by law for its redemption, the city collector, or his successor in office, must make to the purchaser, or assignee, a deed of the property, reciting in the deed substantially the matters contained in the certificate, and that no person has redeemed the property during the time allowed for its redemption. The collector shall be entitled to receive from the purchaser three dollars for making such deed.

What the deed proves.

Sec. 664. The matters recited in the certificate of sale must be recited in the deed, and such deed duly acknowledged or proved is prima facie evidence that:

1. The property was assessed, as required by law;
2. The property was equalized, as required by law;
3. The taxes were levied in accordance with law;
4. The taxes were not paid;
5. At a proper time and place the property was sold, as prescribed by law, and by the proper officer;
6. The property was not redeemed;
7. The person who executed the deed was the proper officer;
8. Where the real estate was sold to pay taxes on personal property, that the real estate belonged to the person liable to pay the tax.

Deed is evidence of regularity.

Sec. 665. Such deed, duly acknowledged or proved, is (except as against actual fraud) conclusive evidence of the regularity of all other proceedings, from the assessment by the assessor, inclusive, up to the execution of the deed, and conveys to the grantee the absolute title to the lands described therein, free from all incumbrances.

Assessment roll a guarantee of regularity.

Sec. 666. The assessment roll or delinquent list, or a copy thereof, certified by the city clerk, showing unpaid taxes against any person or property, is prima facie evidence of the assessment, the property assessed, the delinquency, the amount due and unpaid, and that all the forms of law in relation to the assessment and levy of such taxes have been complied with.

ARTICLE V.—EXECUTIVE DEPARTMENT.

Duties and powers of mayor.

Sec. 670. The mayor shall be the chief executive officer of the city. He shall have a general supervision over the several departments of the city government, and over all its interests, shall preside over the city council when present, once in three months submit a general statement of the condition of its various departments, and recommend to the city council such measures as he may deem expedient for the public good, or improvement of the city, its finances, or government. He shall sign all ordinances passed by the city council, if he approves them; if he does not approve, he shall, within eight days after its submission to him, return the same to the city clerk's office, with his objections in writing, and at the first meeting of the city council thereafter the same shall be entered upon their journal, and they shall then reconsider such ordinance, and unless two thirds of the councilmen elect, vote for its passage, it shall not become a law. If the mayor shall not so return any ordinance within eight days, it shall become a law as if he had signed it. He may call special meetings of the city council at any time; he shall do so at the written request of four councilmen, by notifying each member personally, or by a written notice left at his last and usual place of abode, or at his place of business during business hours, stating the purpose of such meeting.

President of council.

Sec. 671. The president of the city council shall preside at all its meetings when the mayor is not present; and whenever there is a vacancy in the office of mayor, or he is absent from the city, or unable, from any cause, to discharge the duties of his office, the president shall act as mayor and exercise all his authority and be subject to his duties. He shall countersign all warrants and licenses issued under and by authority of the city, but in his absence or inability to perform said duty, the mayor, or, if he is absent or unable to perform said duty the president pro tem., or if none has been elected the chairman of the finance committee, may sign the same.

Deputies.

Sec. 672. The chief of police, city attorney, city assessor,

city clerk, and city collector, and street commissioner may each, with the approval of the city council, only appoint such deputies as may be necessary, by writing, to be filed with the clerk. Each deputy so appointed shall receive for his services a compensation to be fixed by the city council, not exceeding one hundred dollars per month, and shall perform such duties under the direction of his principal as may by said council be prescribed. The principals shall be each responsible for his deputy, and may revoke the appointment at pleasure.

Chief of police.

Sec. 673. The chief of police shall receive a salary which shall not exceed the sum of fifteen hundred dollars per annum, to be determined by the city council.

Treasurer.

Sec. 674. The city treasurer shall receive a salary which shall not exceed the sum of three hundred dollars per annum, to be determined by the city council.

Duties of treasurer.

Sec. 675. It shall be the duty of the city treasurer to receive and safely keep all moneys belonging to such city, from whatever source derived, to place the same to the credit of the different funds to which they properly belong, in a book kept for that purpose; to disburse said moneys by the direction of the city council, and in accordance with the provisions made by them, and the school fund, by the direction of the board of education, under the provisions of this chapter, and to make a report monthly to the city council of the condition of the treasury.

Clerk.

Sec. 676. It shall be the duty of the clerk of the city to keep the corporate seal and all papers and documents belonging to the city; to file them in his office, under appropriate heads; to attend the sittings of the city council and to keep a journal of their proceedings and records of all their by-laws, resolutions, and ordinances; to sign all warrants and licenses issued in pursuance of the orders and ordinances of the city council, and to affix the corporate seal on such licenses; to keep an accurate account in a suitable book, under the appropriate heads, of expenditures of all orders drawn upon the city treasurer, and all warrants issued in pursuance thereof; also, to

keep an account in an appropriate book of all licenses issued, with the names of the persons to whom issued, the date of issue, the time for which the same was granted, and the sums paid therefor, and to perform such other duties as he may be required to perform by the provisions of this act, or by ordinance. He shall receive for his services a salary to be fixed by the city council, not exceeding the sum of one hundred dollars per month.

Assessor.

Sec. 677. It shall be the duty of the city assessor to prepare the assessment rolls, lists, and books, and to make the assessment of persons and property in said city as required by this chapter; also to make and present all assessments for improvement of streets, or other work of like character. He shall receive a salary, to be fixed by the city council, not exceeding five hundred dollars per annum.

Collector and commissioner.

Sec. 678. The city collector and street commissioner shall collect all taxes, assessments, licenses, wharfage rates, and all other moneys or dues owing, accruing, belonging, or coming to said city, and the same shall pay over monthly to the city treasurer, unless otherwise ordered by the city council. He shall regulate the landing and stationing of all steamers, vessels, boats, or other water-craft, and shall make report to the city council each month. As street commissioner, he shall have the general supervision of all streets, public squares, levees, wharves, sloughs, drains, water-ways, bridges, sidewalks, cross-walks, and public buildings, and shall superintend all work, repairs, or improvement thereof or thereon. At the request of the street committee of the city council, he shall make report to them of any of his doings, and shall do and perform all such other duties as may be required of him by ordinance of the city council. As street commissioner of such city, he is hereby authorized, in his official capacity, to make all written contracts, and receive all bonds authorized in this chapter, and to do any other act, either expressed or implied, that pertains to the street department under this chapter. He shall fix the time for the performance of the work under all contracts entered into by him, in accordance with the notice given by

the council; and may extend the time so fixed, from time to time, under the direction of said council. All work upon the streets, avenues, or in the matter of sidewalks or bridges, or in the improvement of the public buildings, squares, and places of said city provided for in this chapter, or under the orders or ordinances of the city council of such city, must in all cases be done under the direction and to the satisfaction of the street commissioner, and the materials used shall be such as are required by said commissioner, in accordance with the contracts; and all contracts made therefor must contain this condition, and also express notice that in no case, except when it is otherwise provided in this chapter, will the city be liable for any portion of the expense, and where such expense is defrayed by assessments, in no case for any delinquency of persons or property assessed.

Police force.

Sec. 679. The police force of such city shall consist of the chief of police, and such number of policemen as shall from time to time be fixed and determined by the city council.

Police, commission to elect.

Sec. 680. The policemen of such city shall be elected by a police commission, to consist of the mayor, chief of police, and the police judge; and such policemen shall hold office from and after their election to and including the second Monday in January next ensuing after a regular city election; unless sooner removed for cause.

Trial commission.

Sec. 681. The president of the city council, the chairman of the finance committee, and the chairman of the street committee of the city council shall constitute a police trial commission, and such commission shall have power, under rules of procedure to be prescribed by ordinance of such city, to receive, hear, try, and determine all complaints against policemen of such city for violation of official duty, or of any rule, regulation, by-law, or ordinance of such city, and shall have power in such behalf to condemn or acquit, reprimand, suspend, or remove any policeman.

ARTICLE VI.—JUDICIAL DEPARTMENT.

Police court.

Sec. 690. A police court is hereby established in such city, which court shall always be open, except upon non-judicial days, and upon such days may transact criminal business only.

Jurisdiction.

Sec. 691. The police court of such city shall have jurisdiction of the following public offenses committed within such city:

1. Petit larceny;
2. Assault or battery, not charged to have been committed upon a public officer in the discharge of his official duty or with intent to kill;
3. Breaches of the peace, riots, affrays, committing willful injury to property, and all misdemeanors punishable by fine not exceeding five hundred dollars, or by imprisonment not exceeding six months, or by both such fine and imprisonment;
4. Of proceedings respecting vagrants, loud or disorderly persons;
5. Of all proceedings for violation of any ordinance of said city, both civil and criminal; of any and all suits to recover taxes, general or special, levied in such city for city purposes, and of all suits to recover any assessment levied in such city for the improvement of streets, avenues, levees, sidewalks, and public squares, and for the opening or laying out of the same, when the amount of said tax or assessment sought to be collected against the person, firm, or corporation assessed is less than three hundred dollars; provided, no lien upon the property taxed or assessed for the non-payment of the taxes or assessment is sought to be foreclosed by said suit;
6. Of an action for the collection of money due to such city, or from the city to any person, firm, or corporation, when the amount sought to be collected is less than three hundred dollars;
7. Of an action for the breach or violation of any official bond given by any city officer, and for the breach of any contract, and any action for damages in which the city is

a party, or is in any way interested, and on all forfeited recognisances given to or for the benefit or in behalf of such city, and upon all bonds given upon any appeal taken from the judgment of said court in any action above named, when the amount claimed, exclusive of cost, is less than three hundred dollars;

8. Of an action for the recovery of personal property belonging to the city when the value of the property, exclusive of the damages for the taking or detention, is less than three hundred dollars;

9. Of an action for the collection of any license required by any ordinance of the city;

10. The police court shall have exclusive jurisdiction of all proceedings mentioned in this section; and no justice of the peace in such city shall have power to try and decide any cases of the classes mentioned in said section; provided, that any justice of the peace of such city who may be designated in writing by the mayor, or president of the city council thereof, for the purpose, shall have power to preside in and hold the police judge's court of said city in the cases in which the police judge is a party, or in which he is directly interested, or when the judge is related to either party by consanguinity or affinity within the third degree; and also in the case of the sickness or temporary absence of the judge, or his inability to act from any cause; and in all such cases, and during such sickness, temporary absence, or inability, the justice so designated shall act as police judge, and shall have and exercise all the powers, jurisdiction, and authority which are or may be by law conferred upon said court or judge.

Powers of judge.

Sec. 692. The judge of said court shall also have power to hear cases for examination, and may commit and hold the offender to bail for trial in the proper court, and may try, condemn, or acquit, and carry his judgment into execution, as the case may require, according to law; and to punish persons guilty of contempt of court, and shall have power to issue warrants of arrest in cases of a criminal prosecution for the violation of a city ordinance, as well as in case of the violation of the criminal law of the state; also, all subpoenas and all other processes necessary to the full and proper exercise of his powers

and jurisdiction in all criminal trials before the police judge for the violation of a city ordinance, as well as in cases of a violation of the criminal law of the state, made triable before such court; the defendant shall be entitled, if demanded by him, to a jury trial, but a trial by jury may be waived by the defendant in all such cases, and upon such waiver the court shall proceed and try the case.

Dockets.

Sec. 693. The city council shall furnish, for the use of the police court, two dockets; one shall be styled The city criminal docket, in which all the criminal cases shall be recorded, and each case shall be alphabetically indexed; the other shall be styled The city civil docket, and it shall contain a record of every civil case which is prosecuted before said court, and each case shall be properly indexed, and in all cases the dockets shall contain all such entries as are required by law to be made in the justice's docket; and in any case commenced or tried before the court the docket must show what duties were performed by each officer, and the amount of fees due to the officer for such services, and the amount of money, if any, collected.

Appeals.

Sec. 694. Appeals from the police court may be taken to the superior court of the county in all cases cognizable by the said police court, and such appeals shall be taken as in case of appeal from a justice's court.

City and district attorney.

Sec. 695. The city attorney of such city shall prosecute all cases for the violation of any lawful order, regulation, or ordinance of the city council, and shall prosecute, conduct, and control all proceedings in cases mentioned in section six hundred and twenty-two of this act, both in the police court and on appeal therefrom to the superior court, but the district attorney shall attend and conduct all proceedings of the nature of a preliminary examination before said police court.

Incarceration.

Sec. 696. In all cases when the police court is authorized to impose a fine or imprisonment, or both, upon persons convicted in said court of any offense triable

therein, the said court may sentence the offender to be imprisoned in the city jail, if there be one established by the city council, if not, then until said council shall designate and establish a city jail or prison, may sentence offenders to be imprisoned in the county jail, and in addition to imprisonment, may sentence offenders to be employed to labor in the city, under the direction of the chief of police, and in the manner prescribed by ordinance, for the benefit of the city, during such time of imprisonment, and may, in case of imposing a fine, embrace as a part of the sentence that, in default of the payment of such fine, the defendant shall be imprisoned and required to labor for the benefit of the city as before provided, at the rate of two dollars a day, till such fine is satisfied. Offenders required to labor under the direction of the chief of police shall, until the establishment of a city jail, be returned to the county jail at the end of each day's labor during their term of imprisonment, until a city jail shall be by the city council established. It is hereby made the duty of the officer having the control or charge of the county jail of the county wherein such city is situated, to receive and safely keep all persons imprisoned by any judgment or order of the police court, in accordance with the order of commitment, and to allow those to be removed from the jail under the charge of the chief of police, who are required to labor for the benefit of the city, or whom the police judge may order brought forth for trial, and the keeper of the jail shall in no way be responsible for the safekeeping of such prisoners while so under the charge of the chief of police.

Seal.

Sec. 697. The court shall have a seal, to be provided by the city, and certified transcripts of the police judge's docket and the seal of his court shall be evidence in any court of the state of the contents of the docket; and all warrants, and other processes issued out of said court, and all acts done by said police judge under its seal, shall have the same force and validity, in any part of this state, as though issued or done by any court of record of this state.

Judge's report.

Sec. 698. The police judge shall, on the last Saturday

of each month, make to the city council a full report of all the cases tried in his court for that month, in which the city may be interested, and at the same time shall pay into the city treasury all fines and other moneys collected on behalf of the city for such month.

Salaries.

Sec. 699. The city council of such city shall allow to the police judge an annual salary which shall not exceed the sum of fifteen hundred dollars, and to the chief of police and the several policemen of such city each a salary which shall be fixed by said council. The salaries of the police judge, and chief of police and policemen shall be paid from time to time as other city officers and as the council may determine. The chief of police, or any policeman of such city, is hereby authorized and empowered to serve, execute, and return any and all warrants of arrest, and all processes directed to him by the police judge of said city, and to arrest all persons accused or guilty of the violation of any city ordinance, or of any public offense, and to do and perform all acts and duties which, in criminal cases, any constable of the county may lawfully do, and receive like fees for such services; provided, the city council may, in their discretion, deduct the amount so received, for fees from the monthly salary of such officers, or order the same paid into the city treasury for the use and benefit of the city, as received by said officers respectively; provided, that nothing in this charter shall be construed as authorizing or entitling such officers to charge or receive from such city, or the county wherein situated, any fees or costs in any case whatever, nor shall such city or county be liable to pay any fees, or costs to such officers for any service they may render in any action or proceeding, either civil or criminal. The chief of police shall attend the session of the police court when required, supervise and direct the police force of the city, and perform such other duties as may be required by the city council appertaining to the government of the city or the management of its affairs, not especially devolved upon some other officer named in this chapter; and the chief of police, or any policeman, at his discretion, shall serve all notices by this chapter provided to be served, in which the city is in any way interested, and the return of the officer serving

shall be evidence of the facts in such return stated, but none of such officers shall serve or execute any civil process, except as provided in this chapter.

Powers of justices.

Sec. 700. The justices of the peace in and for the township embracing such city shall have the same powers as the same officers in any justice's court of the county, and shall have and may exercise like powers and authority; provided, however, that no justice of the peace in such city shall have power to conduct or try and decide any proceedings or cases of the classes mentioned in section six hundred and twenty-two of this act; but nothing in this section shall be construed to prevent any of the justices in said city from acting as police judge.

Interested party not disqualified.

Sec. 701. The interest which any inhabitant of such city may have in a penalty for the breach of a by-law or ordinance of such city shall not disqualify said inhabitant to act as judge, juror, or witness in any prosecution to recover the penalty.

ARTICLE VII.—SCHOOL DEPARTMENT.

Board.

Sec. 710. The board of education of such city shall be elected as in this chapter provided, and shall consist of one superintendent and two trustees from each ward in the city.

Superintendent.

Sec. 711. The superintendent shall be ex-officio secretary of the board of education, and shall receive for his services a salary which shall not exceed eighteen hundred dollars per annum. He shall report to the city council, annually, on or before the first Monday in January, and at such other times as they may require, all matters pertaining to the expenditures, income, condition, and progress of the public schools of the city during the preceding year, together with such accommodations [recommendations] as he may deem proper, and shall, at the regular meeting of the board of education in June of each year, submit to the board a detailed statement of the amount, as near as may be ascertained, of fuel, blanks, blank-books, apparatus, stationery, and such other articles, materials, or

supplies, including books for indigent children, as may be necessary for the use of the city schools and the board for one year following. He shall have power to administer oaths and affirmations concerning any demand upon the treasury payable out of the school fund, or other matters relating to his official duties. [Amendment approved March 14, 1885. Stats. 1885, p. 134. In force from and after its passage.]

Advertisement for supplies.

Sec. 712. The board of education shall, upon the receipt of the statement from the superintendent, as in the preceding section provided, advertise for the space of five successive days in some newspaper published in such city, for sealed proposals for furnishing the articles in said statement specified. Said advertisement shall designate a day after the expiration of the publication aforesaid when said proposals will be considered, at which time the board or a committee thereof by the board for such purpose designated, shall meet and publicly open and declare the proposals received and shall thereupon award the contract therefor to the lowest responsible bidder or bidders, in each case; provided, that all bids may be rejected if deemed too high. Said board may, in their discretion, require a good and sufficient bond with two or more sureties, to be filed by each bidder, in the sum of two hundred dollars, conditioned for the fulfillment of his proposal in case of the acceptance thereof.

Powers of board.

Sec. 713. Subject to and in accordance with the directions and provisions of this chapter, the board of education shall have full power:

Establish schools.

1. To establish and maintain public schools, including high school, and fix and alter the boundaries of the district thereof.

Employees.

2. To employ and dismiss teachers, janitors, and other necessary help, and to fix, alter, allow, and order paid their salaries or compensation, and to employ and pay such mechanics and laborers as may be necessary to carry into effect the powers and duties of the board, and to withhold, for good and sufficient cause, the whole or

any part of the salary or wages of any person or persons employed as aforesaid.

Regulation of schools.

3. To make, establish, and enforce all necessary and proper rules and regulations not contrary to law, for the government and progress of the public schools within the city, the pupils therein and the teachers thereof, and for carrying into effect the laws relating to education; also, to establish and regulate the grade of schools, and determine what course of study and mode of instruction shall be used in said schools.

Building and repairs.

4. To build, alter, repair, rent, and provide school-houses, and the same furnish with lights, water, proper school furniture, apparatus, and school appliances, and to insure any and all school property.

Real estate.

5. To receive, purchase, lease, and hold in fee, in trust for such city, any and all real estate; and to hold in trust any personal property that may have been or may hereafter be acquired for the use and benefit of the public schools of such city.

Improvements.

6. To grade, fence, and improve school lots, and in front thereof to grade, sewer, plank, or pave and repave, and to construct and repair sidewalks.

Legal privileges.

7. To sue for any and all lots, lands, and property belonging to or claimed by the said school department; and to prosecute and defend all actions at law or in equity necessary to recover and maintain the full enjoyment and possession of said lots, lands, and property, and to employ and pay counsel in such cases.

To determine amount of money needed.

8. To determine annually the amount of taxation, not exceeding thirty-five cents on each one hundred dollars valuation on the assessment roll, to be raised upon the real and personal property within the city not exempt from taxation, for the establishment and support of free public schools therein; and for carrying into effect all the provisions of law regarding public schools, and the

amount so determined by said board of education shall be reported in writing to the city council on or before the first Monday of April of each year; and the said city council are hereby authorized and required to levy and cause to be collected, at the time and in the manner of levying other city taxes, the amount of taxation so determined and reported to them by the said board of education, as school tax, upon all taxable property in the city; and said tax shall be in addition to all other amounts levied for city purposes.

Disbursements.

9. To establish regulations for the just and equal disbursement of all moneys belonging to the "public-school fund."

Demands.

10. To examine and allow, in whole or in part, every demand payable out of the school fund, or to reject any such demand for good cause, of which the board shall be sole judge.

Incumbrances.

11. To discharge all legal incumbrances now existing, or which may hereafter exist, upon any school property.

Age limit.

12. To prohibit any child under six years of age from attending the public schools.

Other acts.

13. And generally to do and perform such other acts as may be necessary and proper to carry into force and effect the powers conferred on said board.

Fund not to be diverted.

14. To use and apply the school fund of the city for the purposes in this section heretofore named, and for no other purpose whatever.

Non-residents.

15. To admit non-resident children to any of the departments of the schools of such city upon the payment, at such times as said board may direct, of tuition fee, to be fixed by said board.

Board of examination.

Sec. 714. No teacher shall be employed in any of the public schools of such city without having a certificate

of the proper grade, issued under the provisions of this chapter. For the purpose of granting certificates required, the board of education, either as a body or by a board of examination appointed by said board of education, and of which the superintendent shall be president, shall hold examinations of teachers. No certificate shall be issued except to a person who shall have passed a satisfactory examination in such branches as the board may require, and shall have given evidence of good moral character, ability, and fitness to teach. Examinations of teachers must be held semi-annually, at such times as the board may determine.

Revocation and renewal.

Sec. 715. The board may, in its discretion, renew without re-examination the certificate of any person so employed. It shall have power to revoke the certificate of any teacher upon evidence of immoral or unprofessional conduct or incompetency, and shall always have the power to dismiss any and all teachers, and to alter the amount of salary or compensation paid to either or any of them. The board of education may also, without examination, grant certificates and fix the grade thereof to the holders of life diplomas, state educational diplomas, normal-school diplomas, state university diplomas, and to the holders of such state and county certificates as were in full force and effect on the first day of January, eighteen hundred and eighty.

Board must visit.

Sec. 716. It shall be the duty of the board of education to visit and examine each school at least once each and every month; to observe, and cause to be observed, such general rules for the regulation and government and instruction of the schools, not inconsistent with the laws of the state, as may be established by the board.

School fund, how constituted and applied.

Sec. 717. The public-school fund of such city shall consist of all moneys received from the state and county school fund; of all moneys arising from taxes which shall be levied by the city council for school purposes; of all moneys arising from the sale, rent, or exchange of school property, and of such other moneys as may from any source whatever be paid into said school fund; which fund

shall be kept separate and distinct from all other moneys, and shall only be used for school purposes under the provisions of this chapter. No fees or commission shall be allowed or paid for assessing, collecting, keeping, or disbursing of school moneys; and if at the end of the fiscal year any surplus remains in the school fund, such surplus money shall be carried forward to the school fund of the next fiscal year, and no part of the school fund shall be for any purpose or in any manner whatever diverted or withdrawn from said fund, except as in this chapter provided.

Approval of claims.

Sec. 718. All claims payable out of the school fund shall be filed with the secretary of the board, and shall be approved by a majority of all the members of the board, and certificate of such approval shall be indorsed thereon; whereupon the secretary of said board shall draw a warrant upon the city treasurer for the payment thereof, which warrant shall be countersigned by the superintendent. All demands for salaries of teachers and compensation of janitors shall be payable monthly in the same manner without presentation of claims therefor.

Payment of demands.

Sec. 719. All demands authorized by this article, and by the board approved as aforesaid, shall be paid by the city treasurer from the school fund upon the presentation of the warrants therefor; provided, that the board of education shall not, without the consent of the city council first had, have power to create any debts or liability in any one year to exceed the actual revenue or available means in the city treasury under the control of the board, and justly applicable for school purposes for such year.

CHAPTER VI.

MUNICIPAL CORPORATIONS OF THE FIFTH CLASS.

(A charter for cities having a population of more than 3,000 and not exceeding 10,000.)

ARTICLE I.—GENERAL POWERS.

Fifth class.

Sec. 750. Every municipal corporation of the fifth class shall be entitled the city of ——— (naming it), and by

such name shall have perpetual succession, may sue and be sued in all courts and places, and in all proceedings whatever; shall have and use a common seal, alterable at the pleasure of the city authorities, and may purchase, lease, receive, hold, and enjoy real and personal property, and control and dispose of the same for the common benefit.

ARTICLE II.—GENERAL PROVISIONS RELATING TO OFFICERS.

Officers.

Sec. 751. The government of said city shall be vested in a board of trustees, to consist of five members; a board of education, to consist of five members; and whenever a free public library and reading-room is established therein, five trustees thereof; a recorder; a treasurer; a clerk; an attorney; a marshal; an assessor, and such subordinate officers as are hereinafter provided for; provided, that the board of trustees may, in its discretion, by an ordinance adopted, published and recorded as required for general ordinances, at least thirty days before a general city election, at which city officers are to be elected, unite and consolidate certain offices, by declaring:

1. The city marshal elected shall be ex-officio superintendent of streets, and health officer;

2. The city clerk elected shall be ex-officio recorder and assessor;

3. The city treasurer elected shall be ex-officio city tax collector and license-tax collector;

4. The city attorney elected shall be ex-officio city clerk. [Amendment approved February 28, 1901. Stats. 1901, p. 70. In effect immediately.]

Election and terms of office.

Sec. 752. The members of the board of trustees, and of the board of education, and the city clerk, city attorney, assessor, marshal, treasurer, and recorder shall be elected by the qualified electors of said city at a general municipal election, to be held therein on the second Monday in April, nineteen hundred and three, and on the second Monday in April of each fourth year thereafter and shall hold office for the period of four years from and after the Monday next succeeding the day of such election, and until their successors are elected and qualified; provided, that a general municipal election shall be held in said city

on the second Monday in April, nineteen hundred and five, for the election of successors to the members of the board of trustees and of the board of education whose terms of office expire during said year, and said successors shall hold office for the period of two years from and after the Monday next succeeding the day of such election, and until their successors are elected and qualified. The board of trustees may in their discretion appoint a poundmaster, also a superintendent of streets, and a city engineer, all of whom shall hold office during the pleasure of the board. [Amendment approved February 26, 1903. Stats. 1903, p. 40. In effect immediately.]

Official bonds.

Sec. 753. The clerk, treasurer, city attorney, and marshal shall, respectively, before entering upon the duties of their respective offices, each execute a bond to such city in such penal sum as the board of trustees by ordinance may determine; conditioned for the faithful performance of his duties, including in the same bond the duties of all offices of which he is made by this chapter ex-officio incumbent. Such bonds shall be approved by the board of trustees. All bonds, when approved, shall be filed with the clerk; except the bond of the clerk, which shall be filed with the president of the board of trustees. All the provisions of any law of this state relating to the official bonds of officers shall apply to such bonds except as herein otherwise provided. Every officer of such city, before entering upon the duties of his office, shall take and file with the clerk the constitutional oath of office.

Vacancies.

Sec. 754. Any vacancy occurring in any of the offices provided for in this act shall be filled by appointment by the board of trustees; but if such office be elective, such appointee shall hold office only until the next regular election, at which time a person shall be elected to serve for the remainder of such unexpired term. In case a member of the board of trustees is absent from the city for the period of ninety days, unless by permission of the board of trustees, his office shall by the board be declared vacant, and the same filled as in case of other vacancies. Compensation.

Sec. 755. The members of the board of trustees shall

receive no compensation whatever, except while acting as a board of equalization. The treasurer, assessor, marshal, clerk, and recorder shall severally receive at stated times, a compensation to be fixed by ordinance, by the board of trustees, which compensation shall not be increased or diminished after their election, or during their several terms of office. Nothing herein contained shall be construed to prevent the board of trustees from fixing such several amounts of compensation, in the first instance, during the term of office of any such officer, or after his election. The compensation of all other officers shall be fixed from time to time by the board of trustees. [Amendment approved March 19, 1889. Stats. 1849, p. 389. In effect immediately.]

Election regulations.

Sec. 756. All elections in such city shall be held in accordance with the general election laws of the state, so far as the same may be made applicable, and no person shall be entitled to vote at such election unless he shall be a qualified elector of the county, enrolled upon the great register thereof, and shall have resided in such city for at least thirty days next preceding such election. The board of trustees shall give such notice of each election as may be prescribed by ordinance, shall appoint boards of election, and fix their compensation, and establish election precincts and polling-places, and may change the same; provided, that no part of any ward less than the whole thereof shall be attached to any other ward, or part thereof, in forming election precincts. At any municipal election the last printed great register of the county shall be used, and any elector whose name is not upon such printed register shall be entitled to vote, upon producing and filing with the board of election a certificate, under the hand and official seal of the county clerk, showing that his name is registered and uncanceled upon the great register of such county, provided that he is otherwise entitled to vote.

Eligibility to office.

Sec. 757. No person shall be eligible to or hold any office in such city, whether filled by election, or appointment, unless he be a resident and elector therein, and shall have resided in such city for one year next preceding the date of such election or appointment.

Free library.

Sec. 758. The trustees of any free public library created or existing in such city under the provisions of an act entitled "An act to establish free public libraries and reading-rooms," approved April twenty-sixth, eighteen hundred and eighty, shall be elected by the qualified electors of said city, at a general municipal election to be held therein on the second Monday in April next succeeding the passage and approval of this act, and shall hold office for the period of four years from and after the Monday next succeeding the day of such election, and until their successors are elected and qualified. In case a vacancy shall occur in the office of trustee of such free public library and reading-room, the board of trustees of said free public library and reading-room shall choose a person to fill such vacancy, who shall serve until the next general municipal election, when, if the term does not then expire, a person shall be elected to serve for the remainder of such unexpired term. [Amendment approved April 1, 1897. Stats. 1897, p. 403. In effect immediately.]

ARTICLE III.—LEGISLATIVE DEPARTMENT.**Board of trustees.**

Sec. 760. The board of trustees shall meet on the Monday next succeeding the date of said general municipal election, shall take the oath of office, shall choose one of their number president, and shall hold regular meetings at least once in each month, at such times as they shall fix by ordinance. Special meetings may be called at any time by the president of the board or by three trustees, by written notice delivered to each member at least three hours before the time specified for the purposed meeting. All meetings of the board of trustees shall be held within the corporate limits of the city, at such place as may be designated by ordinance, and shall be public.

Meetings.

Sec. 761. At any meeting of the board of trustees, a majority of the trustees shall constitute a quorum for the transaction of business, but a less number may adjourn from time to time, and may compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance. The president of the board shall preside at all meetings of the board, and in

case of his absence, the board may appoint a president pro tem.; and in case of the absence of the clerk, the president or president pro tem. shall appoint one of the members of the board clerk pro tem.

Rules.

Sec. 762. The board of trustees shall judge of the qualifications of its members and of all election returns, and determine contested elections of all city officers. They may establish rules for the conduct of their proceedings, and punish any member, or other person, for disorderly behavior at any meeting. They shall cause the clerk to keep a correct journal of all their proceedings, and, at the desire of any member, shall cause the ayes and noes to be taken on any question, and entered on the journal.

Limitation on passage of ordinances.

Sec. 763. No resolution granting any franchise, and no ordinance for any purpose, shall be passed by the board of trustees on the day of its introduction, nor within five days thereafter, nor at any other than a regular meeting, or an adjourned regular meeting, and no such resolution and no ordinance granting any franchise shall be passed without being first submitted to the city attorney. No resolution or order for the payment of money shall be passed at any other than a regular meeting, or an adjourned regular meeting, and no resolution or order for the payment of money, no resolution granting a franchise, and no ordinance for any purpose, shall have any validity or effect unless passed by the affirmative vote of at least three trustees. [Amendment approved March 19, 1889. Stats. 1889, p. 389. In effect immediately.]

Powers of board.

Sec. 764. The board of trustees of such city shall have power:

1. To pass ordinances not in conflict with the constitution and laws of this state, or of the United States.

City real estate.

2. To purchase, lease, or receive such real estate and personal property as may be necessary or proper for municipal purposes, and to control, dispose of, and convey the same for the benefit of the city; provided, that they shall not have any power to sell or convey any portion of any water-front; but may rent such water-front for a

term not exceeding ten years for the purposes of erecting bath-houses thereon.

Light and water.

3. To contract for supplying the city with water and electric or other lights for municipal purposes; to purchase, lease, or construct water-works, and electric plants, and all machinery, conductors, and appliances necessary therefor, and to supply said city with, and to sell to the inhabitants thereof, water, light, heat, and power; provided, that no such purchase or lease shall be made unless the question of acquiring such property is submitted to the voters of such city in the same manner as other propositions, at a general or special municipal election, and a majority of the electors, voting at such election, shall vote in favor of such proposition.

Public highways.

4. To establish, build, and repair bridges; to establish, lay out, alter, keep open, open, improve, and repair streets, sidewalks, alleys, squares, and other public highways and places within the city, and to drain, sprinkle, and light the same; to remove all obstructions therefrom; to establish the grades thereof; to grade, pave, macadamize, gravel and curb the same in whole or in part, and to construct gutters, culverts, sidewalks, and crosswalks therein, or upon any part thereof; to cause to be planted, set out, and cultivated, shade trees therein; and generally to manage and control all such highways and places.

Sewers.

5. To establish, construct, and maintain drains and sewers.

Fire extinguishment.

6. To provide fire engines and all other necessary or proper apparatus for the prevention and extinguishment of fires.

Poll-tax.

7. To impose, on and collect from every male inhabitant between the ages of twenty-one and sixty years, an annual street poll-tax, not exceeding two dollars, and no other road poll-tax shall be collected within the limits of such city; provided, that any member of the volunteer fire company in such city shall be exempt from such tax.

Dog tax.

8. To impose and collect an annual license, not exceeding two dollars, on every dog owned or harbored within the limits of the city.

Property tax.

9. To levy and collect annually, a property tax, which shall be apportioned as follows: For the general fund, not exceeding sixty cents on each one hundred dollars; for street fund, not exceeding thirty cents on each one hundred dollars; for school fund, not exceeding twenty cents on each one hundred dollars; for sewer fund, not exceeding ten cents on each one hundred dollars. The levy for all purposes for any one year for all purposes to which such funds are applicable shall not exceed one dollar on each one hundred dollars of the assessed value of all real and personal property within such city.

Liquor tax.

10. To license, for purposes of regulation and revenue, all and every kind of business, including the sale of intoxicating liquors, authorized by law and transacted or carried on in such city, and all shows, exhibitions, and lawful games carried on therein; to fix the rates of license upon the same, and to provide for the collection of the same by suit or otherwise.

River improvement.

11. To improve the rivers and streams flowing through such city, or adjoining the same; to widen, straighten, and deepen the channels thereof, and to remove obstructions therefrom; to improve the water-front of the city, and to construct and maintain embankments and other works to protect such city from overflow.

Municipal buildings.

12. To erect and maintain buildings for municipal purposes.

Tracks and pipes.

13. To permit, under such restrictions as they may deem proper, the laying of railroad tracks and running of cars drawn by horses, steam, electricity, or other power thereon, and the laying of gas or water pipes in the public streets, and to construct and maintain, and to permit the construction and maintenance of telegraph, telephone, and electric light lines therein.

Ward division.

14. In its discretion to divide the city, by ordinance, into a convenient number of wards, not exceeding five, to fix the boundaries thereof, and to change the same from time to time; provided, that no change in the boundaries of any ward shall be made within sixty days next before the date of said general municipal election, nor within twenty months after the same shall have been established or altered. Whenever such city shall be so divided into wards the board of trustees shall designate by ordinance the number of trustees to be elected from each ward, apportioning the same in proportion to the population of such ward; and thereafter the trustees so designated shall be elected by the qualified electors resident in such ward, or by the general vote of the whole city, as may be designated in such ordinance.

Policemen.

15. To appoint and remove such policemen and such other subordinate officers as they may deem proper, and to fix their duties and compensation.

Violation of ordinances.

16. To impose fines, penalties, and forfeitures for any and all violation of ordinances, and for any breach or violation of any ordinance to fix the penalty by fine or imprisonment, or both, but no such fine shall exceed three hundred dollars, nor the term of such imprisonment exceed three months.

Prison labor.

17. To cause all persons imprisoned for violation of any ordinance to labor on the streets, or other property or works within the city.

Fire limits.

18. To establish fire limits, and the same to alter at pleasure; to regulate or prevent the erection of wooden or other buildings or structures of combustible materials; to regulate the construction of all buildings, sheds, awnings, signs, or any structure of a dangerous or unsafe character; to provide, by regulation, for the prevention and summary removal of all filth and garbage in the streets, sloughs, alleys, back-yards, or public grounds of such city, or elsewhere therein; to regulate or prohibit the storage of gunpowder and combustible or explosive ma-

terials of every kind and nature within the city limits, and to prescribe the limits in which the same may be kept or stored.

Other acts.

19. To do and perform any and all other acts and things necessary and proper to carry out the provisions of this chapter, and to exact and enforce within the limits of such city all other local, police, sanitary, and other regulations as do not conflict with general laws. [Amendment approved. Stats. 1901, p. 656. In effect immediately.]

Enacting clause.

Sec. 765. The enacting clause of all ordinances shall be as follows: "The board of trustees of the city of _____ do ordain as follows." Every ordinance shall be signed by the president of the board of trustees, attested by the clerk, and published at least once in a newspaper published in such city, or printed and posted in at least three public places therein. It shall not be necessary in any action, civil or criminal, to plead or prove the organization or existence of such corporation, nor the passage, existence, or validity of any ordinance thereof; and courts shall take judicial cognizance thereof without proof. [Amendment approved March 19, 1889. Stats. 1889, p. 389. In effect immediately.]

Board to audit demands.

Sec. 766. All demands against such city, except as otherwise by law provided, shall be presented to and audited by the board of trustees, in accordance with such regulations as they may by ordinance prescribe; and upon the allowance of any such demand, the president of the board shall draw a warrant upon the treasurer for the same, which warrant will be countersigned by the clerk, and shall specify for what purpose the same is drawn, and out of what fund it is to be paid. [Amendment approved March 19, 1889. Stats. 1889, p. 389. In effect immediately.]

Indebtedness not to exceed moneys provided.

Sec. 767. The board of trustees shall not create, audit, allow, or permit to accrue any debt or liability in excess of the available money in the treasury that may be legally apportioned and appropriated for such purposes, except in the manner provided by law for incurring indebtedness; provided, that any city during the first year of its exist-

once under this act may incur such indebtedness or liability as may be necessary, not exceeding in all the income and revenue provided for it for such year; nor shall any warrant be drawn, or evidence of indebtedness be issued, unless there be at the time sufficient money in the treasury legally applicable to the payment of the same, except as hereinbefore provided. [Amendment approved March 19, 1889. Stats. 1889, p. 389. In effect immediately.]

Incurring of excess decided at an election.

Sec. 768. If at any time the board of trustees shall deem it necessary to incur any indebtedness in excess of the money in the treasury applicable to the purposes for which such indebtedness is to be incurred, they shall give notice of a special election by the qualified electors of the city, to be held to determine whether such indebtedness shall be incurred. Such notice shall specify the amount of indebtedness proposed to be incurred; the purpose or purposes if the question of indebtedness for more than one purpose be proposed of the same, and the amount of money necessary to be raised annually by taxation for an interest and sinking fund as hereinafter provided; provided, that such interest shall not be in excess of seven per cent per annum. Such notice shall be published for at least two weeks in some newspaper published in such city, and no other question or matter shall be submitted to the electors at such election. If, upon the canvass of the votes cast at such election, it appears that not less than two thirds of all the qualified electors voting at such election shall have voted in favor of incurring such indebtedness, it shall be the duty of the board of trustees to pass an ordinance providing for the mode of creating such indebtedness and of paying the same; and in such ordinance provision shall be made for the levy and collection of an annual tax upon all the real and personal property subject to taxation within such city, sufficient to pay the interest on such indebtedness as it falls due; and also, to constitute a sinking fund for the payment of the principal thereof within a period of not more than twenty years from the time of contracting of the same. It shall be the duty of the board of trustees, in each year thereafter, at the time at which taxes are levied, to levy a tax sufficient for such purposes in addition to the taxes by this chapter authorized to be levied. Such tax when

collected shall be kept in the treasury as a separate fund, or funds, in case indebtedness be incurred for different purposes, to be inviolably appropriated to the payment of the principal and interest of such indebtedness. [Amendment approved March 19, 1889. Stats. 1889, p. 371. In effect immediately.]

At the same session there was another amendment of section 768, as follows:

Incurring of indebtedness to be decided at an election.

Sec. 768. If at any time the board of trustees shall deem it necessary to incur any indebtedness in excess of the money in the treasury applicable to the purposes for which such indebtedness is to be incurred, they shall give notice of a special election by the qualified electors of the city, to be held to determine whether such indebtedness shall be incurred. Such notice shall specify the amount of indebtedness proposed to be incurred, the purpose or purposes (if the question of indebtedness for more than one purpose be proposed) of the same, and the amount of money necessary to be raised annually by taxation for an interest and sinking fund for each purpose, as hereinafter provided. Such notice shall be published for at least two weeks in some newspaper published and circulated in such city; and no other question or matter shall be submitted to the electors at such election. If, upon a canvass of the votes cast at such election, it appears that not less than two thirds of all the qualified electors voting at such election, or if more than one proposition is submitted, voting on such proposition, shall have voted in favor of incurring such indebtedness, it shall be the duty of the board of trustees to pass an ordinance providing for the work of creating such indebtedness and of paying the same; and in such ordinance provision shall be made for the levy and collection of an annual tax upon all the real and personal property subject to taxation within such city, sufficient to pay the interest on such indebtedness as it falls due; and also to constitute a sinking fund for the payment of the principal thereof within a period of not more than twenty years from the time of contracting the same. It shall be the duty of the board of trustees in each year thereafter, at the time at which other taxes are levied, to levy a tax sufficient for such purposes in addition to the taxes by this chapter authorized to be levied.

Such tax, when collected, shall be kept in the treasury as a separate fund, or funded if indebtedness be incurred for different purposes, to be inviolably appropriated to the payment of the principal and interest of such indebtedness. [Amendment approved March 19, 1889. Stats. 1889, p. 397. In effect immediately.]

Imprisonment.

Sec. 769. The violation of any ordinance of such city shall be deemed a misdemeanor, and may be prosecuted in the name of the people of the state of California. Any person sentenced to imprisonment for the violation of any ordinance may be imprisoned in the city jail, or, if the board of trustees shall by ordinance so prescribe, in the county jail of the county in which such city may be situated; in which case the expense of such imprisonment shall be a charge in favor of such county against such city. [Amendment approved March 19, 1889. Stats. 1889, p. 389. In effect immediately.]

Nuisances.

Sec. 770. Every act or thing done or being within the limits of such city, which is or may be declared by law or by any ordinance of such city to be a nuisance, shall be and is hereby declared to be a nuisance, and shall be considered and treated as such in all actions and proceedings whatever; and all remedies which are or may be given by law for the prevention and abatement of nuisances shall apply thereto.

Repairs assessed on fronting property.

Sec. 771. The board of trustees are hereby authorized and empowered to order any work authorized by this chapter to be done upon the streets, avenues, highways, and public places of such city. The cost and expense incurred therefor shall be paid as follows, to wit: The expense or cost of improving and repairing streets, sidewalks, alleys, squares, and other public highways and places within the city, removing obstructions therefrom; grading, paving, macadamizing, graveling, and curbing the same, and constructing gutters, culverts, and sidewalks therein, shall be assessed upon the lots and lands fronting thereon, each lot or portion of a lot being separately assessed for the full debt thereof in proportion to the benefits upon the property to be benefited, sufficient to

cover the total expense of the work to the center of the street on which it fronts, provided, that the board of trustees may expend from the general fund for said purposes a sum not exceeding one hundred dollars on any one street in any one year. The expense of all improvements in the space formed by the junction of two or more streets, or where one main street terminates in or crosses another main street, and also all necessary street-crossings, or crossways at corners or intersection of streets, and the expense of establishing, building, and repairing bridges in such city, shall be paid by such city. The expense incurred in making and repairing sewers in any streets shall be paid, one fourth by the owner of the lands on one side of said street, one fourth by the owner of the land on the other side of said street, and one half by the city out of the sewer fund. In all the streets constituting the water-front of such city, or bounded on the one side by the property thereof, the expense of work done on that portion of said streets, from the center line thereof to the said water-front, or to such property of the city bounded thereon, shall be paid for by such city; but no contract for any such work shall be given, except to the lowest responsible bidder, and in the manner hereinafter provided. When any work or improvements mentioned in this section is done or made on one side of the center line of said streets, avenues, or public highways, the lots or portions of lots fronting on that side only shall be assessed to cover the expenses of said work, according to the provisions of this chapter. Whenever any expenses or cost of work shall have been assessed on any lands, the amount of said expenses shall become a lien upon said lands, which shall take precedence of all other liens, and which may be foreclosed in accordance with the provisions of the Code of Civil Procedure. Said suit shall be in the name of the city of (naming it), as plaintiff. Upon the filing of a complaint in the superior court to enforce a lien of any kind hereon, the plaintiff shall be entitled, if a recovery is had or the money is paid, to include as costs the sum of twenty-five dollars as attorney's fees.

Right of way.

Sec. 772. Whenever it shall become necessary for the city to take or damage private property for the purpose of establishing, laying out, extending, and widening streets

and other public highways and places within the city, or for the purpose of rights of way for drains, sewers, and aqueducts, and for the purpose of widening, straightening, or diverting the channels of streams, and the improvements of water-fronts, and the board of trustees cannot agree with the owner thereof as to the price to be paid, the trustees may direct proceedings to be taken under section twelve hundred and thirty-seven, and following sections, to and including section twelve hundred and sixty-three of the Code of Civil Procedure, to procure the same.

City tax levy.

Sec. 773. The board of trustees shall have the power, and it shall be their duty, to provide by ordinance a system for the assessment, levy, and collection of all city taxes not inconsistent with the provisions of this chapter, which system shall conform, as nearly as the circumstances of the case may permit, to the provisions of the laws of this state in reference to assessment, levy, and collection of state and county taxes, except as to the time for such assessment, levy, and collection, and except as to the officers by whom such duties are to be performed. All taxes shall be collected by the marshal or treasurer, as may be determined by the board of trustees by ordinance. All taxes assessed, together with any percentage imposed for delinquency and the costs of collection, shall constitute liens on the property assessed; every tax upon the personal property shall be a lien upon the real property of the owner thereof. The liens provided for in this section shall attach as of the first Monday in March in each year, and may be enforced by a sale of the real property affected, and the execution and delivery of all necessary certificates and deeds therefor, under such regulations as may be prescribed by ordinance, or by action in any court of competent jurisdiction to foreclose such liens; provided, that any property sold for such taxes shall be subject to redemption within the time and in the manner and upon the terms provided or that may hereafter be provided by law for the redemption of property sold for state taxes. All deeds made upon any sale of property for taxes or special assessments under the provisions of this chapter shall have the same force and effect in evidence as is or may hereafter be provided by

law for deeds for property sold for non-payment of state taxes. [Amendment approved March 19, 1889. Stats. 1889, p. 369. In effect immediately.]

Equalization.

Sec. 774. The board of trustees shall meet at their usual place of holding meetings on the second Monday of August of each year, at ten o'clock in the forenoon of said day, and sit as a board of equalization, and shall continue in session from day to day until all the returns of the assessor have been rectified. They shall have power to hear complaints, and to correct, modify, or strike out any assessment made by the assessor, and may, of their own motion, raise any assessment, upon notice to the party whose assessment is to be raised. The corrected list for each tax shall be the assessment roll for said tax for said year. It shall be certified by the city clerk, who shall act as clerk of the board of equalization, as being the assessment roll for said tax, and shall be the assessment roll upon which such tax is to be levied in said year.

Construction of act.

Sec. 775. Nothing in this chapter contained shall be construed to prevent any city having a bonded indebtedness, contracted under laws heretofore passed, from levying and collecting such taxes for the payment of such indebtedness, and the interest thereon, as are provided for in such laws, in addition to the taxes herein authorized to be levied and collected; nor to prevent any city from levying and collecting the tax authorized by the act entitled "An act to establish free public libraries and reading-rooms," approved April twenty-sixth, eighteen hundred and eighty, in addition to the taxes herein authorized to be levied and collected. All moneys received from licenses, street poll-tax, and from fines, penalties, and forfeitures, shall be paid into the general fund.

Water-front fund.

Sec. 776. The board of trustees may also levy, and cause to be collected in each year, in addition to the taxes herein authorized to be levied and collected, a tax, not exceeding ten cents on each one hundred dollars of the assessed value of all real and personal property within such city subject to taxation, the proceeds of which tax shall be known as the "River and Water-front Improvement

amount so determined by said board of education shall be reported in writing to the city council on or before the first Monday of April of each year; and the said city council are hereby authorized and required to levy and cause to be collected, at the time and in the manner of levying other city taxes, the amount of taxation so determined and reported to them by the said board of education, as school tax, upon all taxable property in the city; and said tax shall be in addition to all other amounts levied for city purposes.

Disbursements.

9. To establish regulations for the just and equal disbursement of all moneys belonging to the "public-school fund."

Demands.

10. To examine and allow, in whole or in part, every demand payable out of the school fund, or to reject any such demand for good cause, of which the board shall be sole judge.

Incumbrances.

11. To discharge all legal incumbrances now existing, or which may hereafter exist, upon any school property.

Age limit.

12. To prohibit any child under six years of age from attending the public schools.

Other acts.

13. And generally to do and perform such other acts as may be necessary and proper to carry into force and effect the powers conferred on said board.

Fund not to be diverted.

14. To use and apply the school fund of the city for the purposes in this section heretofore named, and for no other purpose whatever.

Non-residents.

15. To admit non-resident children to any of the departments of the schools of such city upon the payment, at such times as said board may direct, of tuition fee, to be fixed by said board.

Board of examination.

Sec. 714. No teacher shall be employed in any of the public schools of such city without having a certificate

of the proper grade; issued under the provisions of this chapter. For the purpose of granting certificates required, the board of education, either as a body or by a board of examination appointed by said board of education, and of which the superintendent shall be president, shall hold examinations of teachers. No certificate shall be issued except to a person who shall have passed a satisfactory examination in such branches as the board may require, and shall have given evidence of good moral character, ability, and fitness to teach. Examinations of teachers must be held semi-annually, at such times as the board may determine.

Revocation and renewal.

Sec. 715. The board may, in its discretion, renew without re-examination the certificate of any person so employed. It shall have power to revoke the certificate of any teacher upon evidence of immoral or unprofessional conduct or incompetency, and shall always have the power to dismiss any and all teachers, and to alter the amount of salary or compensation paid to either or any of them. The board of education may also, without examination, grant certificates and fix the grade thereof to the holders of life diplomas, state educational diplomas, normal-school diplomas, state university diplomas, and to the holders of such state and county certificates as were in full force and effect on the first day of January, eighteen hundred and eighty.

Board must visit.

Sec. 716. It shall be the duty of the board of education to visit and examine each school at least once each and every month; to observe, and cause to be observed, such general rules for the regulation and government and instruction of the schools, not inconsistent with the laws of the state, as may be established by the board.

School fund, how constituted and applied.

Sec. 717. The public-school fund of such city shall consist of all moneys received from the state and county school fund; of all moneys arising from taxes which shall be levied by the city council for school purposes; of all moneys arising from the sale, rent, or exchange of school property, and of such other moneys as may from any source whatever be paid into said school fund; which fund

assessor shall, during said time, also make a list of all male persons residing within the limits of such city over the age of twenty-one years, and shall verify said list by his oath, and shall, on or before the first Monday of August in each year, deposit the same with the city clerk. Said assessor and his deputy shall have power to administer all oaths and affirmations necessary in the performance of his duties.

City clerk, duties of.

Sec. 788. It shall be the duty of the city clerk to keep a full and true record of all the proceedings of the board of trustees and of the board of equalization. The proceedings of the board of trustees shall be kept in a book, marked "Records of the Board of Trustees." The proceedings of the board of equalization shall be kept in a separate book, marked "Records of the Board of Equalization." He shall keep a book, which shall be marked "City Accounts," in which shall be entered as a credit all moneys received by the city for licenses, the amount of any tax when levied, and all other moneys received; and in which shall be entered upon the debtor side all commissions deducted, and all warrants drawn on the treasury. He shall also keep a book, marked "Marshal's Account," in which he shall charge the city marshal with all the tax lists, if any, delivered to him, and all licenses delivered to him. He shall credit the marshal with the delinquent lists returned by him. He shall also keep a book, marked "Treasurer's Account," in which he shall keep a full account of the transactions of the city with the treasurer. He shall also keep a book, marked "City Licenses," in which he shall enter all licenses delivered by him to the marshal, and the amount thereof. He shall also keep a book, marked "City Ordinances," into which he shall copy all city ordinances, with his certificate annexed to said copy, stating the foregoing ordinance is a true and correct copy of an ordinance of such city, and giving the number and title of said ordinance, and stating that the same has been published or posted according to law. Said record copy, with said certificate, or the original ordinance, shall be prima facie evidence of the contents of the ordinance and of the due passage and publication of the same, and shall be admissible as such evidence in any court or proceeding. Said records shall not be filed in any case, but shall be re-

turned to the custody of the city clerk. Nothing herein contained shall be construed to prevent the proof of the passage and publication of ordinances in the usual way. Each of the foregoing books, except the records of the board of trustees and the board of equalization, shall have a general index, sufficiently comprehensive to enable a person readily to ascertain matters contained therein. The city clerk shall also keep a book, marked "Demands and Warrants," in which he shall note every demand against the city, and file the same. He shall state therein, under the note of the demands, the final disposition made of the same; and if the same is allowed and a warrant is drawn, he shall also state the number of the warrant, with sufficient dates. This book shall contain an index, in which reference shall be made to each demand. Upon the completion of the assessment roll for any of the taxes of the city, and levying of the tax thereon, the city clerk shall apportion the taxes upon such assessment roll, and shall deliver it to the officer charged with the duty of collecting taxes. It shall not be necessary to make a duplicate assessment roll. He may appoint a deputy, for whose acts he and his bondsmen shall be responsible; and he and his deputy shall have power to administer oaths and affirmations, to take affidavits and depositions to be used in any court or proceeding in the state, and to certify the same. He and his deputy shall take all necessary affidavits to demands against the city, and certify the same without charge. He shall be the custodian of the seal of such city. He shall make a quarterly statement, in writing, showing the receipts and expenditures of the city for the preceding quarter, and the amount remaining in the treasury. He shall, at the end of every fiscal year, make a full and detailed statement of the receipts and expenditures of the preceding year, and a full statement of the financial condition of the affairs of the city, which shall be published. He shall perform such other services as this act and the ordinances of the board of trustees shall require. [Amendment approved March 19, 1899. Stats. 1899, p. 389. In effect immediately.]

City attorney.

Sec. 789. It shall be the duty of the city attorney to advise the city authorities and officers in all legal matters pertaining to the business of said city, and to render such

other services in the line of his profession as may be required of him by the board of trustees. [Amendment approved March 19, 1889. Stats. 1889, p. 389. In effect immediately.]

Police department under control of city marshal.

'Sec. 790. The department of police of said city shall be under the direction and control of the city marshal; and for the suppression of any riot, public tumult, disturbance of the peace, or resistance against the laws or public authorities in the lawful exercise of their functions, he shall have the powers that are now or may hereafter be conferred upon sheriffs by the laws of the state, and shall, in all respects, be entitled to the same protection; and his lawful orders shall be promptly executed by deputies, police officers, and watchmen in said city, and every citizen shall also lend him aid, when required, for the arrest of offenders and maintenance of public order. He shall and is hereby authorized to execute and return all process issued and directed to him by any legal authority. It shall be his duty to prosecute before the recorder all breaches or violations of or non-compliance with any city ordinance which shall come to his knowledge. He shall collect all taxes levied by the board of trustees, except as is herein provided. He shall, at the expiration of any month, pay to the city treasurer all taxes and other funds of said city collected by him during said month. He shall, upon payment of the money, file with the treasurer an affidavit, stating that the money so paid is all the taxes or funds that he has collected or received during the preceding month. He shall, upon the receipt of any tax list, give his receipt for the same to the city clerk, and shall, upon depositing with the city clerk the delinquent tax list, take his receipt therefor. He shall receive from the clerk all city licenses and collect the same. He shall have charge of the city prison and prisoners, and of any chain-gang which may be established by the board of trustees. He shall, for service of any process, receive the same fees as constables. He may appoint, subject to the approval of the board of trustees, one or more deputies, for whose acts he and his bondsmen shall be responsible, whose only compensation shall be fees for the service of process, which shall be the same as those allowed to the city marshal. He may also, with the concurrence of the president of the board of trustees, when the

same may be by them deemed necessary for the preservation of public order, appoint additional policemen, who shall discharge the duties assigned them for one day only. He shall perform such other services as this act and the ordinances of the board of trustees shall require, and shall receive such compensation from the city as shall be fixed by ordinance, in addition to such mileage and fees as he shall receive in the service of process of the courts of this state, other than the recorder's court of such city, which mileage and fees shall be the same as is allowed by law to constables in the county in which such city is situated. [Amendment approved March 23, 1893. Stats. 1893, p. 299.]

Board to fix compensation.

Sec. 791. The board of trustees shall, by ordinances not inconsistent with the provisions of this chapter, prescribe the additional duties of all officers, and fix their compensation.

ARTICLE V.—SCHOOL DEPARTMENT.

School district.

Sec. 795. From and after the organization of each of such cities, the same shall constitute a separate school district, which shall be governed by the board of education of such city; provided the board of supervisors may include more territory in such school district than that included in such city, and in that case such outside territory shall be deemed a part of such city for the purpose of holding the general municipal election and shall be an election precinct by itself and its qualified electors shall vote only for the board of education, and said outside territory shall be deemed to be a part of said city for all matters connected with the school department, and the annual levying and collecting of the property tax for the school fund. [Amendment approved March 10, 1891. Stats. 1891, p. 28.]

Vacancy in board.

Sec. 796. In case a vacancy shall occur in the office of school director, the board of education shall choose a person to fill such vacancy, who shall serve until the next election, when, if the term does not then expire, a person shall be elected to serve for the remainder of such unexpired term.

Meetings.

Sec. 797. The board of education shall meet on the second Tuesday after such general municipal election, and choose one of its members as president, and shall appoint a secretary, who shall hold at the pleasure of said board. The regular meetings of said board shall thereafter be held as often as once in each month, in the place provided for the board of trustees, and the time for holding such meetings shall be fixed by the board of education. Special meetings of said board may be held when called by written notice, signed by its president, or three of its members, and delivered personally to each of its members who shall not have signed the same. Three members shall constitute a quorum, and no business shall be transacted by said board of education without the concurrence of three of its members; but a majority of the members present at any meeting may adjourn from time to time. All the meetings of said board of education shall be public, and full records of its proceedings shall be kept by the secretary of said board. The members of the board of education shall receive no compensation for their services as school directors. [Amendment approved March 7, 1891. Stats. 1891, p. 114.]

Powers of board.

Sec. 798. The board of education shall have power:

1. To establish and maintain public, primary, kindergarten, grammar, and evening schools, and to subdivide the school districts, and to fix and alter the boundaries of such subdivisions.

2. To employ and dismiss a superintendent of schools, teachers, janitors, truant-officers, and school-census marshals, and to fix, alter, allow, and order paid their salaries or compensations; and to employ and pay such mechanics and laborers as may be necessary to carry into effect the powers hereby conferred.

3. To make, establish, and enforce all necessary or proper rules and regulations, not in conflict with the laws of this state, for the government and management of public schools within such city, the teachers thereof, and the pupils therein, and for carrying into effect the laws relating to education.

4. To provide for the school department of such city, fuel and lights, water, printing, and stationery, and to

incur such other incidental expenses as may be deemed necessary by said board.

5. To build, alter, repair, rent, and provide school-houses, and to furnish the same with proper school furniture, apparatus, and appliances, and to insure any and all school property.

6. To purchase, receive, lease, and hold in fee, in trust for such city, any and all real estate and personal property that may have been acquired, or may hereafter be acquired, for the use and benefit of the schools of such city; provided, that no real estate shall be bought, sold, or exchanged, nor any expenditure incurred for the construction of new school-houses, without the approval of the board of trustees; and provided further, that the proceeds of any such sale or exchange of real estate shall be exclusively applied to the purchase of other lots for the erection of school-houses.

7. To grade, fence, and improve all school lots.

8. To determine annually the amount of money required for the support of the public schools, and for carrying into effect all the provisions of law in reference thereto; and in pursuance of this provision, the board of education shall, at least ten days before the meeting of the board of trustees at which the annual city taxes are levied, submit in writing to the board of trustees a careful estimate of the whole amount of money to be received from the state and county, and of the amount to be required from such city for the above-mentioned purposes; and the amount so found to be required from the city shall, by the board of trustees, be added to the above amounts to be assessed and collected for city purposes, and when collected, the proceeds thereof shall be immediately paid into the school fund of such city, to be drawn out only upon the order of the board of education; provided, that such annual tax shall not exceed twenty-five cents on each one hundred dollars of the assessed valuation of the real and personal property within such city.

9. To establish regulations for the just and equal disbursement of all moneys belonging to the school fund.

10. To discharge all legal incumbrances existing at the time of the incorporation of such city, or thereafter, on any school property within such city.

11. To admit non-resident children, and persons over

ence under this act may incur such indebtedness or liability as may be necessary, not exceeding in all the income and revenue provided for it for such year; nor shall any warrant be drawn, or evidence of indebtedness be issued, unless there be at the time sufficient money in the treasury legally applicable to the payment of the same, except as hereinbefore provided. [Amendment approved March 19, 1889. Stats. 1889, p. 389. In effect immediately.]

Incurring of excess decided at an election.

Sec. 768. If at any time the board of trustees shall deem it necessary to incur any indebtedness in excess of the money in the treasury applicable to the purposes for which such indebtedness is to be incurred, they shall give notice of a special election by the qualified electors of the city, to be held to determine whether such indebtedness shall be incurred. Such notice shall specify the amount of indebtedness proposed to be incurred; the purpose or purposes if the question of indebtedness for more than one purpose be proposed of the same, and the amount of money necessary to be raised annually by taxation for an interest and sinking fund as hereinafter provided; provided, that such interest shall not be in excess of seven per cent per annum. Such notice shall be published for at least two weeks in some newspaper published in such city, and no other question or matter shall be submitted to the electors at such election. If, upon the canvass of the votes cast at such election, it appears that not less than two thirds of all the qualified electors voting at such election shall have voted in favor of incurring such indebtedness, it shall be the duty of the board of trustees to pass an ordinance providing for the mode of creating such indebtedness and of paying the same; and in such ordinance provision shall be made for the levy and collection of an annual tax upon all the real and personal property subject to taxation within such city, sufficient to pay the interest on such indebtedness as it falls due; and also, to constitute a sinking fund for the payment of the principal thereof within a period of not more than twenty years from the time of contracting of the same. It shall be the duty of the board of trustees, in each year thereafter, at the time at which taxes are levied, to levy a tax sufficient for such purposes in addition to the taxes by this chapter authorized to be levied. Such tax when

collected shall be kept in the treasury as a separate fund, or funds, in case indebtedness be incurred for different purposes, to be inviolably appropriated to the payment of the principal and interest of such indebtedness. [Amendment approved March 19, 1889. Stats. 1889, p. 371. In effect immediately.]

At the same session there was another amendment of section 768, as follows:

Incurring of indebtedness to be decided at an election.

Sec. 768. If at any time the board of trustees shall deem it necessary to incur any indebtedness in excess of the money in the treasury applicable to the purposes for which such indebtedness is to be incurred, they shall give notice of a special election by the qualified electors of the city, to be held to determine whether such indebtedness shall be incurred. Such notice shall specify the amount of indebtedness proposed to be incurred, the purpose or purposes (if the question of indebtedness for more than one purpose be proposed) of the same, and the amount of money necessary to be raised annually by taxation for an interest and sinking fund for each purpose, as hereinafter provided. Such notice shall be published for at least two weeks in some newspaper published and circulated in such city; and no other question or matter shall be submitted to the electors at such election. If, upon a canvass of the votes cast at such election, it appears that not less than two thirds of all the qualified electors voting at such election, or if more than one proposition is submitted, voting on such proposition, shall have voted in favor of incurring such indebtedness, it shall be the duty of the board of trustees to pass an ordinance providing for the work of creating such indebtedness and of paying the same; and in such ordinance provision shall be made for the levy and collection of an annual tax upon all the real and personal property subject to taxation within such city, sufficient to pay the interest on such indebtedness as it falls due; and also to constitute a sinking fund for the payment of the principal thereof within a period of not more than twenty years from the time of contracting the same. It shall be the duty of the board of trustees in each year thereafter, at the time at which other taxes are levied, to levy a tax sufficient for such purposes in addition to the taxes by this chapter authorized to be levied.

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Incurring of excess decided at an election.

Sec. 768. If at any time the board of trustees shall deem it necessary to incur any indebtedness in excess of the money in the treasury applicable to the purposes for which such indebtedness is to be incurred, they shall give notice of a special election by the qualified electors of the city, to be held to determine whether such indebtedness shall be incurred. Such notice shall specify the amount of indebtedness proposed to be incurred; the purpose or purposes if the question of indebtedness for more than one purpose be proposed of the same, and the amount of money necessary to be raised annually by taxation for an interest and sinking fund as hereinafter provided; provided, that such interest shall not be in excess of seven per cent per annum. Such notice shall be published for at least two weeks in some newspaper published in such city, and no other question or matter shall be submitted to the electors at such election. If, upon the canvass of the votes cast at such election, it appears that not less than two thirds of all the qualified electors voting at such election shall have voted in favor of incurring such indebtedness, it shall be the duty of the board of trustees to pass an ordinance providing for the mode of creating such indebtedness and of paying the same; and in such ordinance provision shall be made for the levy and collection of an annual tax upon all the real and personal property subject to taxation within such city, sufficient to pay the interest on such indebtedness as it falls due; and also, to constitute a sinking fund for the payment of the principal thereof within a period of not more than twenty years from the time of contracting of the same. It shall be the duty of the board of trustees, in each year thereafter, at the time at which taxes are levied, to levy a tax sufficient for such purposes in addition to the taxes by this chapter authorized to be levied. Such tax when

collected shall be kept in the treasury as a separate fund, or funds, in case indebtedness be incurred for different purposes, to be inviolably appropriated to the payment of the principal and interest of such indebtedness. [Amendment approved March 19, 1889. Stats. 1889, p. 371. In effect immediately.]

At the same session there was another amendment of section 768, as follows:

Incurring of indebtedness to be decided at an election.

Sec. 768. If at any time the board of trustees shall deem it necessary to incur any indebtedness in excess of the money in the treasury applicable to the purposes for which such indebtedness is to be incurred, they shall give notice of a special election by the qualified electors of the city, to be held to determine whether such indebtedness shall be incurred. Such notice shall specify the amount of indebtedness proposed to be incurred, the purpose or purposes (if the question of indebtedness for more than one purpose be proposed) of the same, and the amount of money necessary to be raised annually by taxation for an interest and sinking fund for each purpose, as hereinafter provided. Such notice shall be published for at least two weeks in some newspaper published and circulated in such city; and no other question or matter shall be submitted to the electors at such election. If, upon a canvass of the votes cast at such election, it appears that not less than two thirds of all the qualified electors voting at such election, or if more than one proposition is submitted, voting on such proposition, shall have voted in favor of incurring such indebtedness, it shall be the duty of the board of trustees to pass an ordinance providing for the work of creating such indebtedness and of paying the same; and in such ordinance provision shall be made for the levy and collection of an annual tax upon all the real and personal property subject to taxation within such city, sufficient to pay the interest on such indebtedness as it falls due; and also to constitute a sinking fund for the payment of the principal thereof within a period of not more than twenty years from the time of contracting the same. It shall be the duty of the board of trustees in each year thereafter, at the time at which other taxes are levied, to levy a tax sufficient for such purposes in addition to the taxes by this chapter authorized to be levied.

Such tax, when collected, shall be kept in the treasury as a separate fund, or funded if indebtedness be incurred for different purposes, to be inviolably appropriated to the payment of the principal and interest of such indebtedness. [Amendment approved March 19, 1889. Stats. 1889, p. 397. In effect immediately.]

Imprisonment.

Sec. 769. The violation of any ordinance of such city shall be deemed a misdemeanor, and may be prosecuted in the name of the people of the state of California. Any person sentenced to imprisonment for the violation of any ordinance may be imprisoned in the city jail, or, if the board of trustees shall by ordinance so prescribe, in the county jail of the county in which such city may be situated; in which case the expense of such imprisonment shall be a charge in favor of such county against such city. [Amendment approved March 19, 1889. Stats. 1889, p. 389. In effect immediately.]

Nuisances.

Sec. 770. Every act or thing done or being within the limits of such city, which is or may be declared by law or by any ordinance of such city to be a nuisance, shall be and is hereby declared to be a nuisance, and shall be considered and treated as such in all actions and proceedings whatever; and all remedies which are or may be given by law for the prevention and abatement of nuisances shall apply thereto.

Repairs assessed on fronting property.

Sec. 771. The board of trustees are hereby authorized and empowered to order any work authorized by this chapter to be done upon the streets, avenues, highways, and public places of such city. The cost and expense incurred therefor shall be paid as follows, to wit: The expense or cost of improving and repairing streets, sidewalks, alleys, squares, and other public highways and places within the city, removing obstructions therefrom; grading, paving, macadamizing, graveling, and curbing the same, and constructing gutters, culverts, and sidewalks therein, shall be assessed upon the lots and lands fronting thereon, each lot or portion of a lot being separately assessed for the full debt thereof in proportion to the benefits upon the property to be benefited, sufficient to

cover the total expense of the work to the center of the street on which it fronts, provided, that the board of trustees may expend from the general fund for said purposes a sum not exceeding one hundred dollars on any one street in any one year. The expense of all improvements in the space formed by the junction of two or more streets, or where one main street terminates in or crosses another main street, and also all necessary street-crossings, or crossways at corners or intersection of streets, and the expense of establishing, building, and repairing bridges in such city, shall be paid by such city. The expense incurred in making and repairing sewers in any streets shall be paid, one fourth by the owner of the lands on one side of said street, one fourth by the owner of the land on the other side of said street, and one half by the city out of the sewer fund. In all the streets constituting the water-front of such city, or bounded on the one side by the property thereof, the expense of work done on that portion of said streets, from the center line thereof to the said water-front, or to such property of the city bounded thereon, shall be paid for by such city; but no contract for any such work shall be given, except to the lowest responsible bidder, and in the manner hereinafter provided. When any work or improvements mentioned in this section is done or made on one side of the center line of said streets, avenues, or public highways, the lots or portions of lots fronting on that side only shall be assessed to cover the expenses of said work, according to the provisions of this chapter. Whenever any expenses or cost of work shall have been assessed on any lands, the amount of said expenses shall become a lien upon said lands, which shall take precedence of all other liens, and which may be foreclosed in accordance with the provisions of the Code of Civil Procedure. Said suit shall be in the name of the city of (naming it), as plaintiff. Upon the filing of a complaint in the superior court to enforce a lien of any kind hereon, the plaintiff shall be entitled, if a recovery is had or the money is paid, to include as costs the sum of twenty-five dollars as attorney's fees.

Right of way.

Sec. 772. Whenever it shall become necessary for the city to take or damage private property for the purpose of establishing, laying out, extending, and widening streets

and other public highways and places within the city, or for the purpose of rights of way for drains, sewers, and aqueducts, and for the purpose of widening, straightening, or diverting the channels of streams, and the improvements of water-fronts, and the board of trustees cannot agree with the owner thereof as to the price to be paid, the trustees may direct proceedings to be taken under section twelve hundred and thirty-seven, and following sections, to and including section twelve hundred and sixty-three of the Code of Civil Procedure, to procure the same.

City tax levy.

Sec. 773. The board of trustees shall have the power, and it shall be their duty, to provide by ordinance a system for the assessment, levy, and collection of all city taxes not inconsistent with the provisions of this chapter, which system shall conform, as nearly as the circumstances of the case may permit, to the provisions of the laws of this state in reference to assessment, levy, and collection of state and county taxes, except as to the time for such assessment, levy, and collection, and except as to the officers by whom such duties are to be performed. All taxes shall be collected by the marshal or treasurer, as may be determined by the board of trustees by ordinance. All taxes assessed, together with any percentage imposed for delinquency and the costs of collection, shall constitute liens on the property assessed; every tax upon the personal property shall be a lien upon the real property of the owner thereof. The liens provided for in this section shall attach as of the first Monday in March in each year, and may be enforced by a sale of the real property affected, and the execution and delivery of all necessary certificates and deeds therefor, under such regulations as may be prescribed by ordinance, or by action in any court of competent jurisdiction to foreclose such liens; provided, that any property sold for such taxes shall be subject to redemption within the time and in the manner and upon the terms provided or that may hereafter be provided by law for the redemption of property sold for state taxes. All deeds made upon any sale of property for taxes or special assessments under the provisions of this chapter shall have the same force and effect in evidence as is or may hereafter be provided by

law for deeds for property sold for non-payment of state taxes. [Amendment approved March 19, 1889. Stats. 1889, p. 369. In effect immediately.]

Equalization.

Sec. 774. The board of trustees shall meet at their usual place of holding meetings on the second Monday of August of each year, at ten o'clock in the forenoon of said day, and sit as a board of equalization, and shall continue in session from day to day until all the returns of the assessor have been rectified. They shall have power to hear complaints, and to correct, modify, or strike out any assessment made by the assessor, and may, of their own motion, raise any assessment, upon notice to the party whose assessment is to be raised. The corrected list for each tax shall be the assessment roll for said tax for said year. It shall be certified by the city clerk, who shall act as clerk of the board of equalization, as being the assessment roll for said tax, and shall be the assessment roll upon which such tax is to be levied in said year.

Construction of act.

Sec. 775. Nothing in this chapter contained shall be construed to prevent any city having a bonded indebtedness, contracted under laws heretofore passed, from levying and collecting such taxes for the payment of such indebtedness, and the interest thereon, as are provided for in such laws, in addition to the taxes herein authorized to be levied and collected; nor to prevent any city from levying and collecting the tax authorized by the act entitled "An act to establish free public libraries and reading-rooms," approved April twenty-sixth, eighteen hundred and eighty, in addition to the taxes herein authorized to be levied and collected. All moneys received from licenses, street poll-tax, and from fines, penalties, and forfeitures, shall be paid into the general fund.

Water-front fund.

Sec. 776. The board of trustees may also levy, and cause to be collected in each year, in addition to the taxes herein authorized to be levied and collected, a tax, not exceeding ten cents on each one hundred dollars of the assessed value of all real and personal property within such city subject to taxation, the proceeds of which tax shall be known as the "River and Water-front Improvement

Fund," and shall be applied to the improvement of streams, bays, and water-fronts, and the erection of embankments and other works to protect the city from overflow, and for no other purposes whatever.

Public work to be contracted for.

Sec. 777. In the erection, improvement, and repair of all public buildings and works, in all street and sewer work, and in all work in or about streams, bays, or water-fronts, or in or about embankments, or other works for protection against overflow, and in furnishing any supplies or materials for the same, when the expenditure required for the same exceeds the sum of one hundred dollars, the same shall be done by contract, and shall be let to the lowest responsible bidder, after notice by publication in a newspaper of general circulation printed and published in such city, for at least two weeks, or if there be no newspaper printed or published therein, by printing and posting the same in at least four public places therein for the same period. Such notice shall distinctly and specifically state the work contemplated to be done; provided, that the board of trustees may reject any and all bids presented, and readvertise, in their discretion. The board of trustees shall annually, at a stated time, contract for doing all city printing and advertising, which contract shall be let to the lowest bidder, after notice, as provided in this section, and the contract therefor shall be awarded separately from all other printing. [Amendment approved March 10, 1891. Stats. 1891, p. 54.]

Powers of president.

Sec. 778. The president of the board of trustees shall preside over all meetings of the board at which he is present. In his absence a president pro tem. may be chosen. The president, and in his absence the president pro tem., shall sign all warrants drawn on the city treasurer, and, unless otherwise provided by said board, shall sign all written contracts entered into by said city, as such president or president pro tem. The authority and power of the president pro tem. shall continue only during the day on which he is chosen. The president and president pro tem. shall have power to administer oaths and affirmations, and take affidavits and certify the same under their hands. The president or president pro tem. shall

sign all conveyances made by said city, and all instruments which shall require the seal of the city. The president is authorized to acknowledge the execution of all instruments executed by said city that require to be acknowledged. He shall have power to administer oaths and affirmations concerning any demand upon the treasury, and in all matters relating to the duties of the board of trustees, and to witnesses examined in any investigation had by said board, or by any committee thereof duly authorized to make such investigation. Said president may issue subpoenas under his hand and the seal of such city, attested by the city clerk to compel the attendance of witnesses before such board of trustees or committee thereof. [Amendment approved March 19, 1889. Stats. 1889, p. 389. In effect immediately.]

ARTICLE IV.—EXECUTIVE DEPARTMENT.

Treasurer.

Sec. 786. It shall be the duty of the treasurer to receive and safely keep all moneys which shall come into his hands as city treasurer, for all of which he shall give duplicate receipts, one of which shall be filed with the city clerk. He shall pay out said money on warrants signed by the proper officers, and not otherwise, except interest coupons on bonds. He shall make quarterly settlements with the city clerk. He shall collect all taxes levied by the board of trustees, if so required by ordinance. [Amendment approved March 19, 1889. Stats. 1889, p. 389. In effect immediately.]

Assessor.

Sec. 787. It shall be the duty of the assessor, between the first day of May and the first day of August in each year, to make out a true list of all the taxable property within the city. The mode of making out of said list, and proceedings relating thereto, shall be in conformity with laws now in force regulating county assessors, except as the same may be otherwise provided in this act, or by ordinance. Said list shall describe the property assessed and the value thereof, and shall contain all other matters required to be stated in such lists by county assessors. Said assessor shall verify said list by his oath, and shall deposit the same with the city clerk, on or before the first Monday of August in each year. The

Fund," and shall be applied to the improvement of streams, bays, and water-fronts, and the erection of embankments and other works to protect the city from overflow, and for no other purposes whatever.

Public work to be contracted for.

Sec. 777. In the erection, improvement, and repair of all public buildings and works, in all street and sewer work, and in all work in or about streams, bays, or water-fronts, or in or about embankments, or other works for protection against overflow, and in furnishing any supplies or materials for the same, when the expenditure required for the same exceeds the sum of one hundred dollars, the same shall be done by contract, and shall be let to the lowest responsible bidder, after notice by publication in a newspaper of general circulation printed and published in such city, for at least two weeks, or if there be no newspaper printed or published therein, by printing and posting the same in at least four public places therein for the same period. Such notice shall distinctly and specifically state the work contemplated to be done; provided, that the board of trustees may reject any and all bids presented, and readvertise, in their discretion. The board of trustees shall annually, at a stated time, contract for doing all city printing and advertising, which contract shall be let to the lowest bidder, after notice, as provided in this section, and the contract therefor shall be awarded separately from all other printing. [Amendment approved March 10, 1891. Stats. 1891, p. 54.]

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sign all conveyances made by said city, and all instruments which shall require the seal of the city. The president is authorized to acknowledge the execution of all instruments executed by said city that require to be acknowledged. He shall have power to administer oaths and affirmations concerning any demand upon the treasury, and in all matters relating to the duties of the board of trustees, and to witnesses examined in any investigation had by said board, or by any committee thereof duly authorized to make such investigation. Said president may issue subpoenas under his hand and the seal of such city, attested by the city clerk to compel the attendance of witnesses before such board of trustees or committee thereof. [Amendment approved March 19, 1889. Stats. 1889, p. 389. In effect immediately.]

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Assessor.

Sec. 787. It shall be the duty of the assessor, between the first day of May and the first day of August in each year, to make out a true list of all the taxable property within the city. The mode of making out of said list, and proceedings relating thereto, shall be in conformity with laws now in force regulating county assessors, except as the same may be otherwise provided in this act, or by ordinance. Said list shall describe the property assessed and the value thereof, and shall contain all other matters required to be stated in such lists by county assessors. Said assessor shall verify said list by his oath, and shall deposit the same with the city clerk, on or before the first Monday of August in each year. The

assessor shall, during said time, also make a list of all male persons residing within the limits of such city over the age of twenty-one years, and shall verify said list by his oath, and shall, on or before the first Monday of August in each year, deposit the same with the city clerk. Said assessor and his deputy shall have power to administer all oaths and affirmations necessary in the performance of his duties.

City clerk, duties of.

Sec. 788. It shall be the duty of the city clerk to keep a full and true record of all the proceedings of the board of trustees and of the board of equalization. The proceedings of the board of trustees shall be kept in a book, marked "Records of the Board of Trustees." The proceedings of the board of equalization shall be kept in a separate book, marked "Records of the Board of Equalization." He shall keep a book, which shall be marked "City Accounts," in which shall be entered as a credit all moneys received by the city for licenses, the amount of any tax when levied, and all other moneys received; and in which shall be entered upon the debtor side all commissions deducted, and all warrants drawn on the treasury. He shall also keep a book, marked "Marshal's Account," in which he shall charge the city marshal with all the tax lists, if any, delivered to him, and all licenses delivered to him. He shall credit the marshal with the delinquent lists returned by him. He shall also keep a book, marked "Treasurer's Account," in which he shall keep a full account of the transactions of the city with the treasurer. He shall also keep a book, marked "City Licenses," in which he shall enter all licenses delivered by him to the marshal, and the amount thereof. He shall also keep a book, marked "City Ordinances," into which he shall copy all city ordinances, with his certificate annexed to said copy, stating the foregoing ordinance is a true and correct copy of an ordinance of such city, and giving the number and title of said ordinance, and stating that the same has been published or posted according to law. Said record copy, with said certificate, or the original ordinance, shall be prima facie evidence of the contents of the ordinance and of the due passage and publication of the same, and shall be admissible as such evidence in any court or proceeding. Said records shall not be filed in any case, but shall be re-

turned to the custody of the city clerk. Nothing herein contained shall be construed to prevent the proof of the passage and publication of ordinances in the usual way. Each of the foregoing books, except the records of the board of trustees and the board of equalization, shall have a general index, sufficiently comprehensive to enable a person readily to ascertain matters contained therein. The city clerk shall also keep a book, marked "Demands and Warrants," in which he shall note every demand against the city, and file the same. He shall state therein, under the note of the demands, the final disposition made of the same; and if the same is allowed and a warrant is drawn, he shall also state the number of the warrant, with sufficient dates. This book shall contain an index, in which reference shall be made to each demand. Upon the completion of the assessment roll for any of the taxes of the city, and levying of the tax thereon, the city clerk shall apportion the taxes upon such assessment roll, and shall deliver it to the officer charged with the duty of collecting taxes. It shall not be necessary to make a duplicate assessment roll. He may appoint a deputy, for whose acts he and his bondsmen shall be responsible; and he and his deputy shall have power to administer oaths and affirmations, to take affidavits and depositions to be used in any court or proceeding in the state, and to certify the same. He and his deputy shall take all necessary affidavits to demands against the city, and certify the same without charge. He shall be the custodian of the seal of such city. He shall make a quarterly statement, in writing, showing the receipts and expenditures of the city for the preceding quarter, and the amount remaining in the treasury. He shall, at the end of every fiscal year, make a full and detailed statement of the receipts and expenditures of the preceding year, and a full statement of the financial condition of the affairs of the city, which shall be published. He shall perform such other services as this act and the ordinances of the board of trustees shall require. [Amendment approved March 19, 1889. Stats. 1889, p. 389. In effect immediately.]

City attorney.

Sec. 789. It shall be the duty of the city attorney to advise the city authorities and officers in all legal matters pertaining to the business of said city, and to render such

other services in the line of his profession as may be required of him by the board of trustees. [Amendment approved March 19, 1889. Stats. 1889, p. 389. In effect immediately.]

Police department under control of city marshal.

'Sec. 790. The department of police of said city shall be under the direction and control of the city marshal; and for the suppression of any riot, public tumult, disturbance of the peace, or resistance against the laws or public authorities in the lawful exercise of their functions, he shall have the powers that are now or may hereafter be conferred upon sheriffs by the laws of the state, and shall, in all respects, be entitled to the same protection; and his lawful orders shall be promptly executed by deputies, police officers, and watchmen in said city, and every citizen shall also lend him aid, when required, for the arrest of offenders and maintenance of public order. He shall and is hereby authorized to execute and return all process issued and directed to him by any legal authority. It shall be his duty to prosecute before the recorder all breaches or violations of or non-compliance with any city ordinance which shall come to his knowledge. He shall collect all taxes levied by the board of trustees, except as is herein provided. He shall, at the expiration of any month, pay to the city treasurer all taxes and other funds of said city collected by him during said month. He shall, upon payment of the money, file with the treasurer an affidavit, stating that the money so paid is all the taxes or funds that he has collected or received during the preceding month. He shall, upon the receipt of any tax list, give his receipt for the same to the city clerk, and shall, upon depositing with the city clerk the delinquent tax list, take his receipt therefor. He shall receive from the clerk all city licenses and collect the same. He shall have charge of the city prison and prisoners, and of any chain-gang which may be established by the board of trustees. He shall, for service of any process, receive the same fees as constables. He may appoint, subject to the approval of the board of trustees, one or more deputies, for whose acts he and his bondsmen shall be responsible, whose only compensation shall be fees for the service of process, which shall be the same as those allowed to the city marshal. He may also, with the concurrence of the president of the board of trustees, when the

same may be by them deemed necessary for the preservation of public order, appoint additional policemen, who shall discharge the duties assigned them for one day only. He shall perform such other services as this act and the ordinances of the board of trustees shall require, and shall receive such compensation from the city as shall be fixed by ordinance, in addition to such mileage and fees as he shall receive in the service of process of the courts of this state, other than the recorder's court of such city, which mileage and fees shall be the same as is allowed by law to constables in the county in which such city is situated. [Amendment approved March 23, 1893. Stats. 1893, p. 299.]

Board to fix compensation.

Sec. 791. The board of trustees shall, by ordinances not inconsistent with the provisions of this chapter, prescribe the additional duties of all officers, and fix their compensation.

ARTICLE V.—SCHOOL DEPARTMENT.

School district.

Sec. 795. From and after the organization of each of such cities, the same shall constitute a separate school district, which shall be governed by the board of education of such city; provided the board of supervisors may include more territory in such school district than that included in such city, and in that case such outside territory shall be deemed a part of such city for the purpose of holding the general municipal election and shall be an election precinct by itself and its qualified electors shall vote only for the board of education, and said outside territory shall be deemed to be a part of said city for all matters connected with the school department, and the annual levying and collecting of the property tax for the school fund. [Amendment approved March 10, 1891. Stats. 1891, p. 28.]

Vacancy in board.

Sec. 796. In case a vacancy shall occur in the office of school director, the board of education shall choose a person to fill such vacancy, who shall serve until the next election; when, if the term does not then expire, a person shall be elected to serve for the remainder of such unexpired term.

Meetings.

Sec. 797. The board of education shall meet on the second Tuesday after such general municipal election, and choose one of its members as president, and shall appoint a secretary, who shall hold at the pleasure of said board. The regular meetings of said board shall thereafter be held as often as once in each month, in the place provided for the board of trustees, and the time for holding such meetings shall be fixed by the board of education. Special meetings of said board may be held when called by written notice, signed by its president, or three of its members, and delivered personally to each of its members who shall not have signed the same. Three members shall constitute a quorum, and no business shall be transacted by said board of education without the concurrence of three of its members; but a majority of the members present at any meeting may adjourn from time to time. All the meetings of said board of education shall be public, and full records of its proceedings shall be kept by the secretary of said board. The members of the board of education shall receive no compensation for their services as school directors. [Amendment approved March 7, 1891. Stats. 1891, p. 114.]

Powers of board.

Sec. 798. The board of education shall have power:

1. To establish and maintain public, primary, kindergarten, grammar, and evening schools, and to subdivide the school districts, and to fix and alter the boundaries of such subdivisions.

2. To employ and dismiss a superintendent of schools, teachers, janitors, truant-officers, and school-census marshals, and to fix, alter, allow, and order paid their salaries or compensations; and to employ and pay such mechanics and laborers as may be necessary to carry into effect the powers hereby conferred.

3. To make, establish, and enforce all necessary or proper rules and regulations, not in conflict with the laws of this state, for the government and management of public schools within such city, the teachers thereof, and the pupils therein, and for carrying into effect the laws relating to education.

4. To provide for the school department of such city, fuel and lights, water, printing, and stationery, and to

incur such other incidental expenses as may be deemed necessary by said board.

5. To build, alter, repair, rent, and provide school-houses, and to furnish the same with proper school furniture, apparatus, and appliances, and to insure any and all school property.

6. To purchase, receive, lease, and hold in fee, in trust for such city, any and all real estate and personal property that may have been acquired, or may hereafter be acquired, for the use and benefit of the schools of such city; provided, that no real estate shall be bought, sold, or exchanged, nor any expenditure incurred for the construction of new school-houses, without the approval of the board of trustees; and provided further, that the proceeds of any such sale or exchange of real estate shall be exclusively applied to the purchase of other lots for the erection of school-houses.

7. To grade, fence, and improve all school lots.

8. To determine annually the amount of money required for the support of the public schools, and for carrying into effect all the provisions of law in reference thereto; and in pursuance of this provision, the board of education shall, at least ten days before the meeting of the board of trustees at which the annual city taxes are levied, submit in writing to the board of trustees a careful estimate of the whole amount of money to be received from the state and county, and of the amount to be required from such city for the above-mentioned purposes; and the amount so found to be required from the city shall, by the board of trustees, be added to the above amounts to be assessed and collected for city purposes, and when collected, the proceeds thereof shall be immediately paid into the school fund of such city, to be drawn out only upon the order of the board of education; provided, that such annual tax shall not exceed twenty-five cents on each one hundred dollars of the assessed valuation of the real and personal property within such city.

9. To establish regulations for the just and equal disbursement of all moneys belonging to the school fund.

10. To discharge all legal incumbrances existing at the time of the incorporation of such city, or thereafter, on any school property within such city.

11. To admit non-resident children, and persons over

twenty-one years of age, to any of the departments of the schools of such city, upon the payment monthly, in advance, of such tuition fee as said board may establish.

12. To prohibit any children under six years of age from attending the public schools.

13. To establish and regulate the grades of schools in such city, and the course of study, and the mode of instruction to be pursued therein, and determine what textbooks shall be used.

14. To do and perform, in addition to the foregoing powers, such other acts as may be necessary or proper to carry into effect the powers hereby conferred. [Amendment adopted March 14, 1899. Stats. 1899, p. 98.]

Board may sue and be sued.

Sec. 799. The board of education may sue and be sued by their name of office. In any action or judicial proceeding against said board, service of process upon the president, or upon a majority of the members of the board shall be sufficient to give the court jurisdiction to hear and determine the same.

Treasurer custodian of moneys.

Sec. 800. All moneys received by the treasurer of the county wherein such city may be situated, on account of the school fund of such city, or the school district consisting of the same, and all sums received into the county treasury, which may be apportioned to said city or district, shall be paid to the treasurer of such city, by the treasurer of such county, as soon as received, or as soon as the apportionment shall be made, when apportionment is necessary, upon the order of the board of education.

Demands.

Sec. 801. The president of the board of education shall have power to administer oaths and affirmations concerning any demand upon the treasury, payable out of the school fund, and in all other matters relating to the duties of the board of education, and to witnesses examined in any investigation had by such board of education, or by a committee thereof, duly appointed by it, for that purpose.

President may compel witnesses.

Sec. 802. Said president ~~may issue subpoenas~~ under his hand and the seal of such city, attested by the city clerk,

to compel the attendance of witnesses before such board of education, or committee thereof, who shall be entitled to the same fees as witnesses in civil cases, and who may be punished for contempt for non-attendance, or refusal to be sworn, or to answer, by the superior court of the county in which such city may be situated.

Warrants.

Sec. 803. Every claim payable out of the school fund shall be filed with the secretary of the board of education, and after it shall have been approved by the board a certificate of such approval shall be indorsed thereon, signed by the president and secretary, and a warrant upon the school fund shall be issued thereon for the payment of such claim, which warrant shall be signed by the president of such board, and countersigned by the secretary and shall specify for what purpose the same is drawn.

Duties of secretary.

Sec. 804. The secretary shall report to the board annually, and at such other times as they may require, all matters pertaining to the expense, income, condition, and progress of the public schools of said city during the preceding year, with such recommendations as he may deem proper. He shall observe, and cause to be observed, such general rules and regulations for the government of and instruction in the schools, not inconsistent with the laws of the state, as may be established by the board of education. He shall attend the sessions of the board, and inform them at each session of the condition of the public schools, school-houses, school funds, and other matters connected therewith, and recommend such measures as he may deem necessary for the advancement of education in the city, and shall perform such other duties as may be required of him by the board. He shall receive as compensation for his services, payable out of the school fund, such sum as the board of education from time to time may allow.

Fund shall not be diverted.

Sec. 805. The entire revenue derived by such city from the state school fund and the state school tax shall be applied by said board of education exclusively to the support of primary and grammar schools.

ARTICLE VI.—JUDICIAL DEPARTMENT.

Recorder's court.

Sec. 806. A recorder's court is hereby established in such city, to be held by the recorder of such city. Said recorder's court shall have jurisdiction, concurrently with the justice's courts, of all actions and proceedings, civil and criminal, arising within the corporate limits of such city, and which might be tried in such justice's court; and shall have exclusive jurisdiction of all actions for the recovery of any fine, penalty, or forfeiture prescribed for the breach of any ordinance of such city, of all actions founded upon any obligations or liability created by any ordinance, and of all prosecutions for any violation of any ordinance. The rules of practice and mode of proceeding in said recorder's court shall be the same as are or may be prescribed by law for justices' courts in like cases; and appeals may be taken to the superior court of the county in which such city may be situated, from all judgments of said recorder's court, in like manner and with like effect as in cases of appeals from justices' courts.

Powers of recorder as judge.

Sec. 807. The recorder shall be judge of the recorder's court, and shall have the powers and perform the duties of a magistrate. He may administer and certify oaths and affirmations, and take and certify acknowledgments. He shall be entitled to charge and receive for his services such fees as are or may be allowed by law to justices of the peace for like services, except that for his services in criminal prosecution for violation of ordinances he shall be entitled to receive only such monthly salary as the board of trustees shall by ordinance prescribe; which compensation, when once fixed, shall not be altered within two years.

Recorder, when disqualified as judge.

Sec. 808. In all cases in which the recorder is a party, or in which he is interested, or when he is related to either party by consanguinity or affinity within the third degree, or is otherwise disqualified, or in case of sickness or inability to act, the recorder may call in a justice of the peace residing in the city, to act in his place and stead; or if there be no justice of the peace residing in the city,

or if all those so residing are likewise disqualified, then he may call in any justice of the peace residing in the county in which such city may be situated.

ARTICLE VII.—MISCELLANEOUS PROVISIONS.

Collection of moneys.

Sec. 810. Every officer collecting or receiving any moneys belonging to or for the use of such city shall settle for the same with the clerk on the first Monday in each month, and immediately pay the same into the treasury, on the order of the clerk, for the benefit of the funds to which such moneys respectively belong.

No officer to be interested in contract.

Sec. 811. No officer of such city shall be interested, directly or indirectly, in any contract with such city, or with any of the officers thereof, in their official capacity, or in doing any work or furnishing any supplies for the use of such city or its officers in their official capacity; and any claim for compensation for work done, or supplies or materials furnished, in which any such officer is interested, shall be void, and if audited and allowed shall not be paid by the treasurer. Any willful violation of the provisions of this section shall be a ground for removal from office, and shall be deemed a misdemeanor, and punished as such.

Nuisances.

Sec. 812. Every act or thing done or being within the limits of such city, which is or may be declared by law or by any ordinance of such city to be a nuisance, shall be and is hereby declared to be a nuisance, and shall be considered and treated as such in all actions and proceedings whatever; and all remedies which are or may be given by law for the prevention and abatement of nuisances shall apply thereto.

Fire departments.

Sec. 813. Fire departments in cities of the fifth class shall consist of volunteer companies of firemen, organized into engine, hose, or hook and ladder companies. Such fire department, and such fire companies shall elect their own officers; provided, that in the election of any person as chief of any such fire department, his election shall be forthwith certified by the secretary of said department to the board of trustees of such city, and by them, at

their next regular meeting, confirmed, and such chief shall give a bond to the chairman of the board of trustees of such city, in the sum of one thousand dollars; and the chief of every fire department must inquire into the cause of every fire occurring in the city, and keep a record thereof. He shall have exclusive control of the working of the fire department in time of conflagration or fire. He must aid in the enforcement of all fire ordinances duly enacted, examine buildings in process of erection, report violation of ordinances relating to the prevention and extinguishment of fires when directed by the proper authorities, and institute proceedings therefor, and shall have general control, management, and direction of the fire companies, hose, hook and ladder companies, and engine, and fire departments of such city, and shall perform such other duties as may be by the ordinances of said city, or by law, imposed upon him. His compensation, which shall not be less than ten dollars per month, must be fixed and paid by the board of city trustees. [New section approved March 27, 1897. Stats. 1897, p. 183.]

CHAPTER VII.

MUNICIPAL CORPORATIONS OF THE SIXTH CLASS.

(A charter for cities and towns having a population of not exceeding 3,000.)

For an act to enable municipal corporations of the sixth class to elect officers, see act 2350, post.

ARTICLE I.—GENERAL POWERS.

Sixth class.

Sec. 850. Every municipal corporation of the sixth class shall be entitled the city (or town) of — (naming it), and by such name shall have perpetual succession, may sue and be sued in all courts and places, and in all proceedings whatever; shall have and use a common seal, alterable at the pleasure of the city or town authorities, and may purchase, lease, receive, hold, and enjoy real and personal property, and control and dispose of the same for the common benefit.

ARTICLE II.—GENERAL PROVISIONS RELATING TO OFFICERS. Officers.

Sec. 851. The government of such city or town shall be vested in a board of trustees, to consist of five members;

a clerk, who shall be ex-officio assessor; a treasurer; a marshal, who shall be ex-officio tax and license collector; a recorder, to be appointed by the board of trustees; and such subordinate officers as are hereinafter provided for. [Amendment approved March 27, 1895. Stats. 1895, p. 266.]

Election and tenure of office.

Sec. 852. The members of the board of trustees and the clerk, treasurer, and marshal shall be elected by the qualified electors of said city or town at a general municipal election to be held therein on the second Monday in April in each even-numbered year. The clerk, treasurer, and marshal shall hold office for the period of two years from and after the Monday next succeeding the day of such election, and until their successors are elected and qualified. Members of the board of trustees shall hold office for the period of four years from and after the Monday next succeeding the day of such election, and until their successors are elected and qualified; provided, that the first board of trustees elected under the provisions of this act shall, at their first meeting, so classify themselves by lot as that three of their number shall go out of office at the expiration of two years and two at the expiration of four years. The board of trustees may, in their discretion, appoint an attorney, a pound-master, a superintendent of streets, a civil engineer, and such police and other subordinate officers as in their judgment may be deemed necessary, and fix their compensation, which said officers shall hold office during the pleasure of said board.

Official bonds.

Sec. 853. The clerk, treasurer, and marshal shall, respectively, before entering upon the duties of their respective offices, each execute a bond to such city or town in such penal sum as the board of trustees by ordinance may determine, conditioned for the faithful performance of his duties, including in the same bond the duties of all offices of which he is made by this chapter ex-officio incumbent; such bonds shall be approved by the board of trustees. All bonds, when approved, shall be filed with the clerk, except the bond of the clerk, which shall be filed with the president of the board of trustees. All the provisions of any law of this state relating to the official bonds of officers shall apply to such bonds, except as herein other-

wise provided. Every officer of such city, before entering upon the duties of his office, shall take and file with the clerk the constitutional oath of office.

Vacancies, how filled.

Sec. 854. Any vacancy occurring in any or the offices provided for in this act shall be filled by appointment by the board of trustees; but if such office be elective, such appointee shall hold office only until the next regular election, at which time a person shall be elected to serve for the remainder of such unexpired term. In case a member of the board of trustees is absent from the city for the period of ninety days, unless by permission of the board of trustees, his office shall by the board be declared vacant, and the same filled as in case of other vacancies.

Compensation.

Sec. 855. The members of the board of trustees shall receive no compensation whatever. The clerk, treasurer, marshal, and recorder shall severally receive, at stated times, a compensation, to be fixed by ordinance by the board of trustees, which compensation shall not be increased or diminished after their election, or during their several terms of office. Nothing herein contained shall be construed to prevent the board of trustees from fixing such several amounts of compensation in the first instance, during the term of office of any such officer, or after his election. The compensation of all other officers shall be fixed from time to time by the boards of trustees.

Election provisions.

Sec. 856. All elections in such city or town shall be held in accordance with the general election laws of the state, so far as the same may be made applicable; and no person shall be entitled to vote at such election unless he shall be a qualified elector of the county, enrolled upon the great register thereof, and shall have resided in such city for at least thirty days next preceding such election. The board of trustees shall give such notice of each election as may be prescribed by ordinance, shall appoint boards of election, and fix their compensation, and establish election precincts and polling-places, and may change the same. At any municipal election the last printed great register of the county shall be used, and any elector whose name is not upon such printed register shall be entitled to vote

upon producing and filing with the board of election a certificate, under the hand and official seal of the county clerk, showing that his name is registered and uncanceled upon the great register of such county; provided, that he is otherwise entitled to vote.

Eligibility to office.

Sec. 857. No person shall be eligible to or hold any elective office in such city, unless he be a resident and elector therein, and shall have resided in such city for one year next preceding the date of such election. [Amendment became a law under constitutional provision without governor's approval, March 14, 1901. Stats. 1901, p. 298. In effect immediately.]

ARTICLE III.—LEGISLATIVE DEPARTMENT.

Board of trustees.

Sec. 858. The board of trustees shall meet on the Monday next succeeding the date of said general municipal election, shall take the oath of office, shall choose one of their number president, and shall hold regular meetings at least once in each month, at such times as they shall fix by ordinance. Special meetings may be called at any time by the president of the board, or by three trustees, by written notice delivered to each member, at least three hours before the time specified for the proposed meeting. All meetings of the board of trustees shall be held within the corporate limits of the city, at such place as may be designated by ordinance, and shall be public.

Meetings.

Sec. 859. At any meeting of the board of trustees a majority of the trustees shall constitute a quorum for the transaction of business, but a less number may adjourn from time to time, and may compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance. The president of the board shall preside at all meetings of the board, and in case of his absence the board may appoint a president pro tem.; and in case of the absence of the clerk, the president or president pro tem. shall appoint one of the members of the board clerk pro tem.

Rules.

Sec. 860. The board of trustees shall judge of the qualifications of its members and of all election returns, and

determine contested elections of all city officers. They may establish rules for the conduct of their proceedings, and punish any member or other person for disorderly behavior at any meeting. They shall cause the clerk to keep a correct journal of all their proceedings, and at the desire of any member shall cause the ayes and noes to be taken on any question, and entered on the journal.

Franchises and resolutions to pay money.

Sec. 861. No ordinance, and no resolution granting any franchise for any purpose, shall be passed by the board of trustees on the day of its introduction, nor within five days thereafter nor at any other than a regular meeting. No resolution or order for the payment of money shall be passed at any other time than at a regular meeting. And no such ordinance, resolution, or order shall have any validity or effect unless passed by the votes of at least three trustees.

Powers.

Sec. 862. The board of trustees of said city shall have power:

Ordinances.

1. To pass ordinances not in conflict with the constitution and laws of this state or of the United States.

Real estate.

2. To purchase, lease, or receive such real estate and personal property as may be necessary or proper for municipal purposes, and to control, dispose of, and convey the same for the benefit of the city or town; provided, they shall not have power to sell or convey any portion of any water front.

Water.

3. To contract for supplying the city or town with water for municipal purposes, or to acquire, construct, repair, and manage pumps, aqueducts, reservoirs, or other works necessary or proper for supplying water for the use of such city or the inhabitants, or for irrigating purposes therein.

Highways.

4. To establish, build, and repair bridges; to establish, lay out, alter, keep open, improve, and repair streets, sidewalks, alleys, squares, and other public highways and places within the city or town, and to drain, sprinkle,

oil, and light the same; to remove all obstructions therefrom; to establish the grades thereof; to grade, pave, macadamize, gravel, and curb the same, in whole or in part, and to construct gutters, culverts, sidewalks, and crosswalks therein, or on any part thereof; to cause to be planted, set out, and cultivated, shade trees therein; and generally to manage and control all such highways and places; and in the exercise of the powers herein granted to expend, in their discretion, the ordinary annual income and revenue of the municipality in payment of the costs and expenses of the whole or any part of such work or improvement.

Sewers.

5. To construct, establish, and maintain drains and sewers.

Fire extinguishment.

6. To provide fire engines and all other necessary or proper apparatus for the prevention and extinguishment of fires.

Poll tax.

7. To impose on and collect from every male inhabitant, between the ages of twenty-one and sixty years, an annual street poll tax, not exceeding two dollars; and no other road poll tax shall be collected within the limits of the city.

Dog tax.

8. To impose and collect an annual license not exceeding two dollars on every male dog, and four dollars on every female dog owned or harbored within the limits of the city.

Property tax.

9. To levy and collect annually a property tax, which shall not exceed seventy-five cents on each one hundred dollars.

Licenses.

10. To license, for the purpose of revenue and regulation, all and every kind of business authorized by law and transacted and carried on in such city or town, and all shows, exhibitions, and lawful games carried on therein; to fix the rates of license tax upon the same, and to provide for the collection of the same by suit or otherwise.

Water-front improvement.

11. To improve the rivers and streams flowing through such city or adjoining the same; to widen, straighten, and deepen the channels thereof, and remove obstructions therefrom; to improve the water-front of the city; to construct and maintain embankments and other works, to protect such city from overflow; and to acquire, own, construct, maintain, and operate on any lands bordering on any navigable bay, lake, inlet, river, creek, slough, or arm of the sea within the corporate limits of such city or contiguous thereto, wharves, chutes, piers, breakwaters, bath-houses, and life-saving stations.

Public buildings.

12. To erect and maintain buildings for municipal purposes.

Tracks and pipes.

13. To acquire, own, construct, maintain, and operate street railways, telephone and telegraph lines, gas and other works for light and heat; public libraries, museums, gymnasiums, parks, and baths, and to permit under such restrictions as they may deem proper, the laying of railroad tracks and the running of cars drawn by horses, steam, or other power thereon, and the laying of gas and water pipes in the public streets, and to permit the construction and maintenance of telegraph and telephone lines therein.

Violation of ordinances.

14. To impose fines, penalties, and forfeitures for any and all violations of ordinances; and for any breach or violation of any ordinance; to fix the penalty by fine or imprisonment, or both; but no such fine shall exceed three hundred dollars, nor the term of imprisonment exceed three months.

Prison labor.

15. To cause all persons imprisoned for violation of any ordinance to labor on the streets, or other public property, or works within the city.

Fire limits.

16. To establish and maintain fire limits, and to regulate building and construction within the municipality.

Other acts.

17. To do and perform any and all other acts and things necessary or proper to carry out the provisions of this

act. [Amendment approved March 9, 1903. Stats. 1903, p. 92. In effect immediately.]

Enacting clause.

Sec. 863. The enacting clause of all ordinances shall be as follows: "The board of trustees of the city (or town) of — do ordain as follows." Every ordinance shall be signed by the president of the board of trustees, attested by the clerk, and published at least once in a newspaper published in such city or town, or printed and posted in at least three public places therein.

Demands.

Sec. 864. All demands against such city or town shall be presented to and audited by the board of trustees, in accordance with such regulations as they may by ordinance prescribe; and upon the allowance of any such demand, the president of the board shall draw a warrant upon the treasurer for the same, which warrant shall be countersigned by the clerk, and shall specify for what purpose the same is drawn, and out of what fund it is to be paid.

Indebtedness not to exceed available funds.

Sec. 865. The board of trustees shall not create, audit, allow, or permit to accrue, any debt or liability in excess of the available money in the treasury that may be legally apportioned and appropriated for such purposes; provided, that any city or town during the first year of its existence under this act may incur such indebtedness or liability as may be necessary, not exceeding in all the income and revenue provided for it in such year; nor shall any warrant be drawn, or evidence of indebtedness be issued, unless there be at the time sufficient money in the treasury legally applicable to the payment of the same, except as hereinafter provided.

Incurring excess decided by vote.

Sec. 866. If at any time the board of trustees shall deem it necessary to incur any indebtedness in excess of the money in the treasury applicable to the purpose for which such indebtedness is to be incurred, they shall give notice of a special election by the qualified electors of the city or town, to be held to determine whether such indebtedness shall be incurred. Such notice shall specify the amount of indebtedness proposed to be incurred, the

purpose or purposes of the same, and the amount of money necessary to be raised annually, by taxation, for an interest and sinking fund, as hereinafter provided. Such notice shall be published for at least two weeks in some newspaper published in such city or town; and no other question or matter shall be submitted to the electors at such election. If upon a canvass of the votes cast at such election it appears that not less than two thirds of all the qualified electors voting at such election shall have voted in favor of incurring such indebtedness, it shall be the duty of the board of trustees to pass an ordinance providing for the mode of creating such indebtedness, and of paying the same; and in such ordinance provision shall be made for the levy and collection of an annual tax upon all the real and personal property subject to taxation within such city or town, sufficient to pay the interest on such indebtedness as it falls due; and also to constitute a sinking fund for the payment of the principal thereof, within a period of not more than twenty years from the time of contracting the same. It shall be the duty of the board of trustees, in each year thereafter, at the time at which other taxes are levied, to levy a tax sufficient for such purpose, in addition to the taxes by this chapter authorized to be levied. Such tax, when collected, shall be kept in the treasury as a separate fund, to be inviolably appropriated to the payment of the principal and interest of such indebtedness.

Incarceration.

Sec. 867. The violation of any ordinance of such city or town shall be deemed a misdemeanor, and may be prosecuted by the authorities of such city or town in the name of the people of the state of California, or may be redressed by civil action, at the option of said authorities. Any person sentenced to imprisonment for the violation of an ordinance may be imprisoned in the jail for such city or town; or if the board of trustees by ordinance shall so prescribe, in the county jail of the county in which such city or town may be situated, in which case the expense of such imprisonment shall be a charge in favor of such county and against such city or town.

Nuisances.

Sec. 868. Every act or thing done or being within the limits of such city or town, which is or may be declared

by law or by any ordinance of such city or town to be a nuisance, shall be and is hereby declared to be a nuisance, and shall be considered and treated as such in all actions and proceedings whatever; and all remedies which are or may be given by law for the prevention and abatement of nuisances shall apply thereto.

Cost of street-work assessed on fronting property.

Sec. 869. The board of trustees are hereby authorized and empowered to order any work authorized by this chapter to be done upon the streets, avenues, highways, and public places of such city or town. The cost and expense incurred therefor shall be paid as follows, to wit: The expense or cost of improving and repairing streets, sidewalks, alleys, squares, and other public highways and places within the city or town, removing obstructions therefrom; grading, paving, macadamizing, graveling, and curbing the same, and constructing gutters, culverts, and sidewalks therein, shall be assessed upon the lots and lands fronting thereon, each lot or portion of a lot being separately assessed for the full depth thereof in proportion to the benefits upon the property to be benefited, sufficient to cover the total expense of the work to the center of the street on which it fronts; provided, that the board of trustees may expend from the general fund for said purposes a sum which in their judgment may be necessary. The expense of all improvements in the space formed by the junction of two or more streets, or where one main street terminates in or crosses another main street, and also all necessary street crossings, or crossways at corners or intersection of streets, and the expense of establishing, building, and repairing bridges in such city or town, shall be paid by such city or town. The expense incurred in making and repairing sewers in any street shall be paid, one fourth by the owner of the lands on one side of said street, one fourth by the owner of the land on the other side of said street, and one half by the city or town out of the sewer fund. In all the streets constituting the water-front of such city or town, or bounded on the one side by the property thereof, the expense of work done on that portion of said streets, from the center line thereof to the said water-front, or to such property of the city or town bounded thereon, shall be paid for by such city or town, but no contract for any such work shall be given except to the

lowest responsible bidder, and in the manner hereinafter provided. When any work or improvements mentioned in this section is done or made on one side of the center line of said streets, avenues, or public highways, the lots or portions of lots fronting on that side only shall be assessed to cover the expenses of said work according to the provisions of this chapter. Whenever any expenses or costs of work shall have been assessed on any lands, the amount of said expenses shall become a lien upon said lands, which shall take precedence of all other liens, and which may be foreclosed in accordance with the provisions of the Code of Civil Procedure. Such suit shall be in the name of such city or town as plaintiff. Upon the filing of a complaint in the superior court to enforce a lien of any kind hereon, the plaintiff shall be entitled, if a recovery is had or the money is paid, to include as costs the sum of twenty-five dollars as attorney's fees.

Right of way.

Sec. 870. Whenever it shall become necessary for the city or town to take or damage private property for the purpose of establishing, laying out, extending and widening streets and other public highways and places within the city or town, or for the purpose of rights of way for drains, sewers and aqueducts, and for the purpose of widening, straightening or diverting the channels of streams, or the improvement of water-fronts, or the acquisition or maintenance of public harbors, the trustees may direct proceedings to be taken under section twelve hundred and thirty-seven and following sections, to and including section twelve hundred and sixty-three of the Code of Civil Procedure, to procure the same. [Amendment approved February 20, 1901. Stats. 1901, p. 12. In effect immediately.]

Levy of taxes.

Sec. 871. The board of trustees shall have power, and it shall be their duty, to provide by ordinance a system for the assessment, levy, and collection of all city or town taxes not inconsistent with the provisions of this chapter, which system shall conform as nearly as the circumstances of the case may permit to the provisions of the laws of this state in reference to the assessment, levy, and collection of state and county taxes, except as to the times for such

assessment, levy, and collection, and except as to the officers by whom such duties are to be performed. All taxes assessed, together with any percentage imposed for delinquency, and the costs of collection, shall constitute liens on the property assessed, from and after the first Monday in March in each year; which liens may be enforced by a summary sale of such property; and the execution and delivery of all necessary certificates and deeds therefor, under such regulations as may be prescribed by ordinance, or by actions in any court of competent jurisdiction to foreclose such liens; provided, that any property sold for such taxes shall be subject to redemption within the time and in the manner provided, or that may hereafter be provided by law for the redemption of property sold for state or county taxes. All deeds made upon any sale of property for taxes or special assessments, under the provisions of this chapter, shall have the same force and effect in evidence as is or may hereafter be provided by law for deeds for property sold for non-payment of state or county taxes.

Equalization.

Sec. 872. The board of trustees shall meet at their usual place of holding meetings on the second Monday of August of each year, at ten o'clock in the forenoon of said day, and sit as a board of equalization, and shall continue in session from day to day until all the returns of the assessor have been rectified. They shall have power to hear complaints, and to correct, modify, or strike out any assessment made by the assessor, and may, of their own motion, raise any assessment, upon notice to the party whose assessment is to be raised. The corrected list for each tax shall be the assessment roll for said tax for said year. It shall be certified by the clerk, who shall act as clerk of the board of equalization, as being the assessment roll for said tax, and shall be the assessment roll upon which such tax is to be levied in said year.

Construction of act.

Sec. 873. Nothing in this chapter contained shall be construed to prevent any city or town having a bonded indebtedness, contracted under laws heretofore passed, from levying and collecting such taxes for the payment of such indebtedness, and the interest thereon, as are pro-

vided for in such laws, in addition to the taxes herein authorized to be levied and collected. All moneys received from licenses, street poll tax, and from fines, penalties, and forfeitures, shall be paid into the general fund.

Public work to be done by contract.

Sec. 874. In the erection, improvement, and repair of all public buildings and works, in all street and sewer work, and in all work in or about streams, bays, or water-fronts, or in or about embankments, or other works for protection against overflow, and in furnishing any supplies or materials for the same, when the expenditure required for the same exceeds the sum of one hundred dollars, the same shall be done by contract, and shall be let to the lowest responsible bidder, after notice by publication in a newspaper of general circulation, printed and published in such city or town, for at least two weeks, or if there be no newspaper printed or published therein, by printing and posting the same in at least four public places therein for the same period; such notice shall distinctly and specifically state the work contemplated to be done; provided, that the board of trustees may reject any and all bids presented and readvertise, in their discretion. The board of trustees shall annually, at a stated time, contract for doing all city printing and advertising, which contract shall be let to the lowest bidder, after notice, as provided in this section. [Amendment approved March 9, 1897. Stats. 1897, p. 89.]

Signature of warrants and contracts.

Sec. 875. The president of the board of trustees shall preside over all meetings of the board at which he is present. In his absence a president pro tem. may be chosen. The president, and in his absence the president pro tem., shall sign all warrants drawn on the treasurer, and shall sign all written contracts entered into by said city or town, as such president or president pro tem. The authority and power of the president pro tem. shall continue only during the day on which he is chosen. The president and president pro tem. shall have power to administer oaths and affirmations, and take affidavits and testify the same under their hands. The president or president pro tem. shall sign all conveyances made by said city or town, and all instruments which shall require

the seal of the city or town. The president is authorized to acknowledge the execution of all instruments executed by said city or town, that require to be acknowledged. :

ARTICLE IV.—EXECUTIVE DEPARTMENT.

Treasurer.

Sec. 876. It shall be the duty of the treasurer to receive and safely keep all moneys which shall come into his hands as treasurer, for all of which he shall give duplicate receipts, one of which shall be filed with the clerk.

He shall pay out said money or warrants signed by the president and countersigned by the clerk, and not otherwise. He shall make quarterly settlements with the clerk. When no compensation has been allowed to him by the board of trustees, he shall be allowed one per cent on all moneys received and paid by him as such treasurer. He may credit himself with such per cent in his settlements with the clerk. Upon each quarterly settlement he shall file a statement of his account with the clerk. [Amendment approved March 30, 1903. Stats. 1903, p. 336.]

Assessor.

Sec. 877. It shall be the duty of the assessor, between the first day of May and the first day of August in each year, to make out a true list of all the taxable property within the city or town. The mode of making out of said list, and proceedings relating thereto, shall be in conformity with laws now in force regulating county assessors, except as the same may be otherwise provided in this act, or by ordinance. Said list shall describe the property assessed, and the value thereof, and shall contain all other matters required to be stated in such lists by county assessors. Said assessor shall verify said list by his oath, and shall deposit the same with the clerk on or before the first Monday of August of each year. The assessor shall, during said time, also make a list of all male persons residing within the limits of the city or town, over the age of twenty-one years, and shall verify said list by his oath, and shall, on or before the first Monday of August in each year, deposit the same with the clerk. Said assessor and his deputy shall have power to administer all oaths and affirmations necessary in the performance of his duty.

Clerk.

Sec. 878. It shall be the duty of the clerk to keep a full, true record of all the proceedings of the board of trustees and of the board of equalization. The proceedings of the board of trustees shall be kept in a book, marked "Records of the Board of Trustees." The proceedings of the board of equalization shall be kept in a separate book, marked "Records of the Board of Equalization." He shall keep a book, which shall be marked "City or Town Accounts," in which shall be entered as a credit all moneys received by the city or town for licenses, the amount of any tax when levied, and all other moneys when received, and in which shall be entered upon the debtor side all commissions deducted and all warrants drawn on the treasury. He shall also keep a book, marked "Marshal's Account," in which he shall charge the marshal with all the tax lists delivered to him, and all licenses delivered to him. He shall credit the marshal with the delinquent lists returned by him, and with his commission for collecting. He shall also keep a book, marked "Treasurer's Account," in which he shall keep a full account of the transactions of the city or town with the treasurer. He shall also keep a book, marked "Licenses," in which he shall enter all licenses issued by him, the date thereof, to whom issued, for what, the time when it expires, and the amount paid. He shall also keep a book marked "Attorney's Account," and shall therein charge said attorney with all delinquent tax lists delivered to him, and shall credit him with money paid and delinquent tax lists returned. He shall keep a book, marked "Ordinances," into which he shall copy all city or town ordinances, with his certificate annexed to said copy stating the foregoing ordinance is a true and correct copy of an ordinance of the city or town, and giving the number and title of said ordinance, and stating that the same has been published or posted according to law. Said record copy, with said certificate, shall be prima facie evidence of the contents of the ordinance and of the passage and publication of the same, and shall be admissible as such evidence in any court or proceeding. Such records shall not be filed in any case, but shall be returned to the custody of the clerk. Nothing herein contained shall be construed to prevent the proof of the passage and publication of ordinances

in the usual way. Each of the foregoing books, except the records of the board of trustees and the board of equalization, shall have a general index, sufficiently comprehensive to enable a person readily to ascertain matters contained therein. The clerk shall also keep a book, marked "Demands and Warrants," in which he shall note every demand against the city or town, and file the same. He shall state therein, under the note of the demands, the final disposition made of the same; and if the same is allowed, and a warrant drawn, he shall also state the number of the warrant, with sufficient dates. This book shall contain an index, in which reference shall be made to each demand. Upon the completion of the assessment roll of any of the taxes of the city or town, and the levying of the tax thereon, the clerk shall apportion the taxes upon such assessment roll, and make out and deliver to the marshal a tax list in the usual form, taking his receipt therefor. He may appoint a deputy, for whose acts he and his bondsmen shall be responsible; and he and his deputy shall have power to administer oaths or affirmations, to take affidavits and depositions to be used in any court or proceeding in the state, and to certify the same. He and his deputy shall take all necessary affidavits to demands against the city or town, and certify the same without charge. He shall be the custodian of the seal of the city or town. He shall make a quarterly statement in writing, showing the receipts and expenditures of the city or town for the preceding quarter, and the amount remaining in the treasury. He shall at the end of every fiscal year make a full and detailed statement of the receipts and expenditures of the preceding year, and a full statement of the financial condition of the affairs of the city or town, which shall be published. He shall perform such other services as this act and the ordinances of the board of trustees shall require.

Attorney.

Sec. 879. It shall be the duty of the attorney to advise the city or town authorities and officers in all legal matters pertaining to the business of said city or town. He shall receive the delinquent list and receipt therefor; he is authorized to bring suit in the name of the city or town, in the proper court, for the collection of any tax; he shall receive for collecting taxes such per cent on the

amount collected as may be provided by ordinance, which said per cent shall be collected of the delinquent tax-payers as provided by ordinance. In case a suit shall be brought in the superior court upon a tax upon real estate to sell such real estate for the purpose of paying such tax and costs, he shall be allowed, in addition to the said per cent, twenty-five dollars for each suit brought, to be taxed as costs in such suit, and not to be paid to said attorney unless collected of the defendant in such suit. Said attorney shall receive such other compensation as may be allowed by the board of trustees.

Marshal.

Sec. 880. The department of police of said city or town shall be under the direction and control of the marshal; and for the suppression of any riot, public tumult, disturbance of the peace, or resistance against the laws or public authorities in the lawful exercise of their functions, he shall have the powers that are now or may hereafter be conferred upon sheriffs by laws of the state, and shall in all respects be entitled to the same protection; and his lawful orders shall be promptly executed by deputies, police officers, and watchmen in said city or town, and every citizen shall also lend his aid, when required, for the arrest of offenders and maintenance of public order. He shall, and is hereby authorized to, execute and return all process issued and directed to him by any legal authority. It shall be his duty to prosecute before the recorder all breaches or violations of or non-compliance with any ordinance which shall come to his knowledge. He shall collect all taxes levied by the board of trustees, except as is herein provided. He shall, at the expiration of any month, pay to the treasurer all taxes and other funds of said city or town collected by him during said month. He shall, upon payment of the money, file with the treasurer an affidavit, stating that the money so paid is all the taxes or funds that he has collected or received during the preceding month. He shall, upon the receipt of any tax list, give his receipt for the same to the clerk, and shall, upon depositing with the clerk the delinquent tax list, take his receipt therefor. He shall receive from the clerk all licenses, and collect the same. He shall have charge of the prison and prisoners, and of any chain-gang which may be established by the board of trustees. He

shall for service of any process receive the same fees as constables, but his fees for services in any criminal action or proceeding upon process issued from the recorder's court shall not be a charge against the county. He may appoint, subject to the approval of the board of trustees, one or more deputies, for whose acts he and his bondsmen shall be responsible, whose only compensation shall be fees for the service of process, which shall be the same as those allowed to the marshal. He may also, with the concurrence of the president of the board of trustees, when the same may be by them deemed necessary for the preservation of public order, appoint additional policemen, who shall discharge the duties assigned them for one day only. He shall perform such other services as this act and the ordinances of the board of trustees shall require, and shall receive such compensation as shall be fixed by ordinance. [Amendment approved March 13, 1903. Stats. 1903, p. 135. In effect immediately.]

Compensation fixed by board.

Sec. 881. The board of trustees shall, by ordinances not inconsistent with the provisions of this chapter, prescribe the additional duties of all officers, and fix their compensation.

ARTICLE V.—JUDICIAL DEPARTMENT.

Recorder's court.

Sec. 882. A recorder's court is hereby established in such city or town, to be held by the recorder of such city or town. Said recorder's court shall have jurisdiction, concurrently with the justices' courts, of all actions and proceedings, civil and criminal, arising within the corporate limits of such city or town, and which might be tried in such justice's court; and shall have exclusive jurisdiction of all actions for the recovery of any fine, penalty, or forfeiture prescribed for the breach of any ordinance of such city or town, of all actions founded upon any obligation or liability created by any ordinance, and of all prosecutions for any violation of any ordinance. The rules of practice and mode of proceeding in said recorder's court shall be the same as are or may be prescribed by law for justices' courts in like cases; and appeals may be taken to the superior court of the county in which such city or town may be situated, from all

judgments of said recorder's court, in like manner and with like effect as in cases of appeals from justices' courts.

Powers of recorder as judge.

Sec. 883. The recorder shall be judge of the recorder's court, and shall have the powers and perform the duties of a magistrate. He may administer and certify oaths and affirmations, and take and certify acknowledgments. He shall be entitled to charge and receive for his services such fees as are or may be allowed by law for justices of the peace for like services, except that for his services in criminal prosecutions for violation of ordinances he shall be entitled to receive only such fees as the board of trustees shall by ordinance prescribe; but his fees for services in any criminal case shall not be a charge against the county. [Amendment became a law under constitutional provision without governor's approval March 12, 1901. Stats. 1901, p. 269. In effect immediately.]

Recorder disqualified as judge in certain cases.

Sec. 884. In all cases in which the recorder is a party, or in which he is interested, or when he is related to either party by consanguinity or affinity within the third degree, or is otherwise disqualified, or in case of sickness or inability to act, the recorder may call in a justice of the peace residing in the city or town to act in his place and stead; or if there be no justice of the peace residing in the city or town, or if all those so residing are likewise disqualified, then he may call in any justice of the peace residing in the county in which such city or town may be situated.

ARTICLE VI.—MISCELLANEOUS PROVISIONS.

Collection of moneys.

Sec. 885. Every officer collecting or receiving any moneys belonging to or for the use of such city or town shall settle for the same with the clerk on the first Monday in each month, and immediately pay the same into the treasury, on the order of the clerk, for the benefit of the funds to which such moneys respectively belong.

No officer to be interested in any public contract.

Sec. 886. No officer of such city or town shall be interested, directly or indirectly, in any contract with such city or town, or with any of the officers thereof in their official

capacity, or in doing any work or furnishing any supplies for the use of such city or town, or its officers in their official capacity; and any claim for compensation for work done, or supplies or materials furnished, in which any such officer is interested, shall be void, and if audited and allowed shall not be paid by the treasurer. Any willful violation of the provisions of this section shall be a ground for removal from office, and shall be deemed a misdemeanor, and punished as such.

ACT 2349.

An act to validate the organization and incorporation of municipal corporations of the sixth class.

[Approved February 16, 1903. Stats. 1903, p. 29.]

The people of the state of California, represented in senate and assembly, do enact as follows:

Section 1. All municipal corporations of the sixth class, the organization and incorporation of which have been authenticated by an order of a board of supervisors in this state, declaring the same incorporated as municipal corporations of the sixth class, and a certified copy of which order has been filed by such board of supervisors in the office of the secretary of state, showing such copy of said order to have been filed in said office, and which corporations thereafter have acted in the form and manner of municipal corporations under the provisions of "An act to provide for the organization, incorporation, and government of municipal corporations," approved March thirteenth, eighteen hundred and eighty-three, and the amendments thereto, are hereby declared to be and to have been municipal corporations of the sixth class from the date of filing the certified copy of said order of the board of supervisors with the secretary of state; and all the acts of the said municipal corporations heretofore exercised according to the act aforesaid, are hereby validated and declared as legal.

Sec. 2. This act shall take effect from and after its passage and approval.

ACT 2350.

An act entitled "An act to enable municipal corporations of the sixth class to elect officers."

[Approved March 14, 1885. Stats. 1885, p. 126.]

Petition for appointment of commissioners of election.

Section 1. Whenever a corporation of the sixth class shall have failed, from any cause, to elect officers in accordance with its charter, and there are no officers to carry on the city government, or call an election for officers, in any such case citizens of such corporation may present a petition to the governor for the appointment of three commissioners of election. Such petition shall set forth: 1. The name of the corporation, and when, and how organized; 2. When the last election for officers took place, and whether any of such officers are performing their duties, and if not, how long since they ceased to perform their duties; 3. The provision of the charter as to the qualifications of voters; 4. That the persons signing the petition possess the qualifications provided by the charter for voters, and that each of said signers is a householder and freeholder in said corporation. The petition shall be signed by not less than seventy-five persons possessing all the qualifications mentioned in the body of the petition, and shall be verified by at least two of the signers, that, of their own knowledge, the petition is true, and that all the signers possess all the qualifications set forth in the petition. Upon the presentation of the petition to the governor, he may either act upon the petition or require additional evidence of the matters set forth in the petition. Upon being satisfied of the truth of the matters set forth in the petition, the governor is authorized and empowered to appoint three persons as commissioners of election for such corporation. Such commission shall be known and styled "Board of election commissioners for" (here give name of corporation).

Appointment of commissioners.

Sec. 2. The governor shall cause a commission to be issued to the commissioners, and the issuance of such commission shall be conclusive evidence of the regularity of all the proceedings to and including the appointment of such commissioner. Within ten days after their appointment, the commissioners shall take the oath of office before some judge or clerk, which oath shall be indorsed upon the commission, and a copy filed in the office of the secretary of state, and shall organize by the election of a president and secretary from their own members. The board shall cause to be kept minutes of all their proceed-

ings, which minutes shall be signed at the close of each meeting by the president and secretary.

Powers of commissioners.

Sec. 3. The board of election commissioners shall have power: First, By an order entered in their minutes, to call an election for such officers as are declared in the charter of such corporation to be elected only by the voters in said corporation. Such orders shall specify the names of the offices to be filled, and, when any office is to be filled by an election in any ward or subdivision of said corporation, the order shall so state, and the date fixed for the election. Previous to the election, the board shall appoint officers of election, and fix the places of holding the election, as required in the charter of such corporation. The board shall cause notice of such election to be published in one or more newspapers published in said corporation; or if none be published therein, then by posting notices, for at least twenty days before such election. Such election shall be conducted as required by the charter of said corporation for the election of officers, except that it shall not be necessary to use printed registers, but should any voter be challenged on the ground that his name does not appear on the great register of the county, it shall be sufficient for him to state, under oath, that he believes his name is upon the great register, and if no other evidence is offered, the board of election shall accept his statement as true.

Election returns.

Sec. 4. The boards of election shall make return of the election as required in the charter, except that the returns shall be returned and delivered to the board of election commissioners, of all officers voted for at such election, without reference to whether any of such officers were voted for in the whole, or only a ward or subdivision of the corporation, and no officer of election shall issue a certificate of election.

Canvassing returns.

Sec. 5. Within five days after the election the board of election commissioners shall proceed to canvass said returns and declare what persons were elected. Said board shall thereupon issue certificates of election to the persons so declared to be elected; such certificate shall be signed.

by all the commissioners, and shall be conclusive evidence of the regularity of all the proceedings taken in said election and by said board, except as against any suit or proceeding that may be commenced to oust from office any of said persons holding a certificate.

Officer qualifying.

Sec. 6. Within ten days after issuance of the certificates, the officers shall be qualified and enter upon the discharge of their duties, in accordance with the charter. If any person chosen at said election shall fail to take the oath of office and enter upon the discharge of the duties within the time above specified, then the office to which he shall have been elected shall be deemed and held to be vacant, the same as if he had never been elected. At the first meeting of the legislative department of the corporation after the election, the board of election commissioners shall deliver to said legislative department all books and papers in their possession, relating to their office of election commissioners, and said legislative department shall cause the same to be filed by their clerk, and shall cause the commission issued by the governor to said commissioners, and the minutes of said commissioners, and notice of the election, to be entered in the book of minutes of said legislative department, and such entries, when so made, shall be evidence of all the matters therein stated, and as conclusive evidence as the original.

Effect of elections.

Sec. 7. Whenever the officers elected at such election, and the officers authorized by the charter to be elected or appointed by the legislative or executive department of said corporation, shall have qualified and entered upon the discharge of their duties, then said corporation shall be deemed and held to be fully organized and in operation, as if said election had been held at the time and in all respects in the manner required by the charter.

Resolution as to organization.

Sec. 8. Whenever the government of the corporation is in full operation, as set forth in section seven, the legislative department shall cause a resolution to be entered in their minutes declaring the same; and such resolution shall be conclusive evidence of the same, except as against

a direct action or proceeding to set aside or annul said government.

Sec. 9. This act shall take effect from and after its passage.

ACT 2351.

An act to provide for the disincorporation of municipal corporations of the sixth class.

[Approved March 26, 1895. Stats. 1895, p. 115. Amended 1897, p. 17; 1899, p. 13.]

Cal.Rep.Clt. 117, 362; 118, 892.

The people of the state of California, represented in senate and assembly, do enact as follows:

Section 1. A municipal corporation of the sixth class may disincorporate after proceedings had as required in this act. The council, the board of trustees, or other legislative body of such corporation shall, upon receiving a petition therefor, signed by not less than half of the qualified electors thereof, as shown by the vote cast at the last municipal election held therein, submit to the electors of such corporation the question whether such municipal corporation shall disincorporate. Such question shall be submitted at a special election to be held for that purpose, and such legislative body shall give notice thereof by publication in a newspaper printed or published in such corporation, or if there is no newspaper published in said corporation, then in some newspaper published in the county in which said corporation is situated, for a period of thirty days prior to such election. Said notice shall state that the question of disincorporating said corporation will be submitted to the legal voters of the same at the time appointed for such election, and the electors shall be invited thereby to vote upon such proposition by placing upon their ballots the cross, as provided by law, after the words "For disincorporation," or "Against disincorporation." Such legislative body shall also designate in said notice the place or places at which the polls will be open in said municipal corporation; and shall also appoint and designate in such notice the names of the officers of election. The vote at said election shall be taken, canvassed, and returned in the same manner as in other municipal elections. Such legislative body shall meet on the Monday next succeeding the day of such

election; and proceed to canvass the votes cast thereat. If it be found by the canvass of said votes that less than two thirds of the votes cast were in favor of disincorporation, such legislative body shall declare the petition for disincorporation denied, in which case no new election shall be held on the question of disincorporating the corporation involved in said petition and vote until after the expiration of two years from date of the election so held. In case it shall appear from said canvass that two thirds of all the votes cast were in favor of disincorporation, said legislative body shall, under their hands, make and file in their office, and cause to be entered upon their record of proceedings, an order that the petition for such disincorporation be granted, and declaring that such corporation be disincorporated; said order to take effect at the time hereinafter provided.

Said legislative body shall, in case said corporation is so disincorporated, forthwith cause their clerk, or other officer performing the duties of clerk, by an order entered in their minutes, to make and transmit to the secretary of state and board of supervisors of the county in which said corporation is situated, a certified copy and abstract of the notice of election hereinbefore provided for, the whole number of electors voting for said disincorporation, and the number of electors voting against said disincorporation. Thirty days from and after the holding of the election, in case two thirds of the said votes were cast in favor of said disincorporation, said municipal corporation shall be forever disincorporated. Said legislative body shall forthwith, after ascertaining by said canvass that said disincorporation has been carried, determine the amount of the indebtedness of said municipal corporation; the amount of money in the treasury thereof, and the amount of any tax levy made by said corporation unpaid or not due, and all other indebtedness due or coming due to said corporation, and within thirty days from the date of said election shall transmit a certified statement of said amount to the board of supervisors of the county in which said municipal corporation is situated; and the treasurer of said corporation shall before the expiration of said thirty days, turn over to the treasurer of said county all moneys of said municipal corporation in his possession, and said county treasurer shall place said

moneys in a special fund; to be drawn upon as hereinafter provided for. Upon the disincorporation of said municipal corporation, every public officer of said corporation shall immediately turn over to the board of supervisors of the county in which said corporation is situated, all public property of every nature and description in their possession; provided, however, that all court records of the recorder's court of the said municipal corporation shall be retained by said recorder as justice of the peace of the township, and as such justice of the peace he shall have authority to execute and complete all unfinished business standing on the same. Nothing contained in this act shall be held to relieve said municipal corporation, or the territory included within it, from any liability for any debt contracted by such municipal corporation prior to its disincorporation. All warrants for said indebtedness shall be drawn by the board of supervisors of the county in which said municipal corporation is situated, on the fund hereinabove provided for in the county treasury. If, at the time of said disincorporation, a tax shall have been levied by said municipal corporation, and remains uncollected, it shall be the duty of the tax collector of the county in which said municipal corporation was situated to collect said tax when due, and pay the same into the county treasury. All property upon which any municipal tax has been levied and the same has become delinquent, either before or after the date of such disincorporation, and all property sold for any tax levied by said municipal corporation, may be redeemed by any party interested, by the payment to the county treasurer, upon the estimates of the auditor, of the money that would have been necessary to redeem such property, had said city not disincorporated. All moneys paid into the county treasury under the provisions of this act shall be placed to the credit of the special fund hereinbefore provided for. If, at any time after the disincorporation of such municipal corporation, it should be found that there is not sufficient money in the treasury to the credit of the fund hereinabove provided for, with which to pay any indebtedness of said municipal corporation, the board of supervisors of said county shall have the power, and it shall be their duty to levy, and there shall be collected from the territory formerly included within said municipal corporation, a

tax or taxes sufficient in amount to pay the said indebtedness, of said municipal corporation, as the same shall become due; such tax or taxes, assessments, and collections shall be made in the same manner and at the same time that other taxes of said county are levied and collected, and shall be an additional tax upon the property included within said territory for the payment of said debts. If, after payment of the debts of said municipal corporation, there shall remain any surplus in the hands of said county treasurer to the credit of the fund hereinbefore mentioned, the money so remaining shall be transferred to the school fund of the districts or district covered by said municipal corporation. [Amendment approved February 17, 1899. Stats. 1899, p. 13.]

Sec. 2. The board of supervisors of the county in which any such municipal corporation has been discontinued, shall have the power, and it shall be their duty, if the board of trustees or other legislative body of such corporation shall fail or refuse to return to said board of supervisors the statement of said amounts as hereinbefore in this act provided, to ascertain the indebtedness of said municipal corporation at the time of its discontinuation, and the amount of money in its treasury and the amount due to it at the said time. Said board of supervisors shall make provision for the collection of the amounts due to said municipal corporation, and for the closing up of its affairs, and any act or acts necessary for such purpose and not otherwise herein provided for, shall, upon the order of said board of supervisors directing the same, be as fully done and performed by the officer or officers performing similar duties for the said county, and with as full effect as if the same had been performed by the proper officer of said municipal corporation, before discontinuation, and said county shall succeed to and possess all the rights of said municipal corporation in and to said indebtedness, and shall have power to sue for or otherwise collect any such debts, in the name of the county. All costs and expense of ascertaining the facts hereinbefore mentioned, and all other costs and expense incurred by the board of supervisors in the execution of the powers and duties of said board of supervisors, provided for in this act, shall be paid out of the special fund in said county treasury hereinbefore in this act provided

for. All provisions of this act relating to the settlement of a municipal corporation after disincorporation shall be applicable to the winding up of the affairs of any disincorporated municipality whether disincorporated before or after the passage of this act. [Amendment approved February 17, 1899. Stats. 1899, 13.]

Sec. 3. This act shall take effect and be in force from and after its passage.

ACT 2353.

To provide for the reorganization of municipal corporations and for determining the population thereof. [Stats. 1899, p. 75.]

This act related to cities of the sixth class.

ACT 2353.

To provide for the ownership of property and the winding up of the affairs of municipal corporations disincorporated under the provisions of an act of the legislature of the state of California, entitled "An act to provide for the disincorporation of municipal corporations of the sixth class," approved March 26, 1895, when two thirds or more in value of assessable property within the former limits thereof shall be included within the boundaries of any subsequently incorporated city or town. [Approved February 17, 1899. Stats. 1899, p. 17.]

ACT 2354.

An act concerning municipal corporations.

[Approved March 9, 1885. Stats. 1885, p. 31.]

Validating acts of municipal corporations.

Section 1. All municipal corporations, whose incorporation has been or may hereafter be authenticated by an order of any board of supervisors in this state, declaring the same incorporated as a municipal corporation, and a certified copy of which order has been or may hereafter be filed by such board of supervisors in the office of the secretary of state, and which have heretofore been or may hereafter be organized under a certificate from the secretary of state, showing such order to have been filed in his office, and which thereafter have acted, or hereafter may act, in the form and manner of a municipal corporation, under the provisions of an act entitled "An act to provide

for the organization, incorporation, and government of municipal corporations," approved March thirteenth, eighteen hundred and eighty-three, are hereby declared to be and to have been municipal corporations from the date of filing the certified copy of said order of the board of supervisors with the secretary of state; and all the acts of said municipal corporations heretofore exercised, or which may be hereafter exercised, according to the act aforesaid, are hereby validated and declared to be legal.

Sec. 2. This act shall take effect immediately.

ACT 2355.

An act to validate the organization and incorporation of municipal corporations.

[Approved March 17, 1897. Stats. 1897, p. 168.]

The people of the state of California, represented in senate and assembly, do enact as follows:

Section 1. All municipal corporations, the organization and incorporation of which have been authenticated by an order of a board of supervisors in this state, declaring the same incorporated as municipal corporations of the classes to which such corporations may respectively belong, and a certified copy of which order has been filed by such board of supervisors in the office of the secretary of state, showing such copy of said order to have been filed in said office, and which corporations thereafter have acted in the form and manner of municipal corporations under the provisions of "An act to provide for the organization, incorporation, and government of municipal corporations," approved March thirteenth, eighteen hundred and eighty-three, and the amendments thereto, are hereby declared to be and to have been municipal corporations from the date of filing the certified copy of said order of the board of supervisors with the secretary of state; and all the acts of the said municipal corporations heretofore exercised according to the act aforesaid, are hereby validated and declared as legal.

Sec. 2. This act shall take effect from and after its passage and approval.

ACT 2356.

An act to validate proceedings for the reorganization of municipal corporations taken since the passage of the

act entitled "An act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.

[Approved March 16, 1889. Stats. 1889, p. 203.]

Acts of municipal corporations validated.

Section 1. All cities and counties, cities, or towns reorganized, or claiming to have been reorganized, since the passage of the act, the title of which is recited in the title hereof, or which have attempted since said date to reorganize or incorporate under the provisions of said act, and have acted as municipal corporations since such reorganization, are hereby declared to be, and to have been from the date of such reorganization, or attempted reorganization, duly and legally incorporated and reorganized cities, and all proceedings for the reorganization of such municipal corporations are hereby validated and declared legal.

ACT 2357.

To validate proceedings for the reorganization of municipal corporations taken since the passage of the act entitled "An act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883. [Stats. 1887, p. 150.]

ACT 2358.

To validate proceedings for the reorganization of municipal corporations taken since the passage of the act entitled "An act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, and also since the passage of the act entitled "An act to provide for the classification of municipal corporations," approved March 2, 1883. [Stats. 1891, p. 92.]

ACT 2359.

An act to enable cities incorporated and operating under a charter framed under section eight, article eleven, of the constitution, to abandon and annul such charter, and organize under general laws.

[Approved March 27, 1897. Stats. 1897, p. 200.]

The people of the state of California, represented in senate and assembly, do enact as follows:

Section 1. The common council, or other legislative

body of any city in this state, operating under a charter framed under section eight, article eleven, of the constitution, shall have power, and it shall be their duty, whenever a petition is presented to them, signed by one half of the qualified electors of such city, by ordinance, to submit to the qualified electors of such city at any general election, the question whether such city shall abandon such charter and reorganize under the general laws of the state providing for the organization, incorporation, and government of municipal corporations. Such election shall be called and held, in accordance with the provisions of such charter for calling and holding elections, and if two thirds of such qualified electors voting at such election shall vote to abandon such charter and reorganize under the general laws of the state providing for the organization, incorporation, and government of municipal corporations, such city shall, from and after the thirtieth day after such election, cease to be organized under such charter, and such charter shall be superseded by said general laws, and organized thereunder. In case such proposition shall fail to receive the vote of two thirds of such electors, then the proposition for the abandonment of such charter and reorganization under the general laws shall not be again submitted for two years.

Sec. 2. All officers of such city shall continue in office, and their powers under said charter shall not cease until officers shall have been elected and qualified under said general laws.

Sec. 3. This act shall take effect immediately.

ACT 2300.

To authorize municipal corporations of the first class to obtain public water-works. [Stats. 1885, p. 42.]

Repealed 1889, 399.

Cal.Rep.Cit. 74, 223.

ACT 2361.

To authorize the incurring of indebtedness by municipal corporations for the construction of water-works, sewers, etc. [Stats. 1889, p. 399.]

Amended 1891, 84, 94, 132; 1893, 61.

Cal.Rep.Cit. 104, 519; 104, 521; 107, 465; 107, 469; 107, 473; 119, 626; 121, 103; 122, 78; 125, 624.

"This latter amendment attempted to be repealed by 1897, 99, chap. 97, but such repeal declared unconstitutional in City of Los Angeles v. Hance, 122 Cal. 78."—Code Commissioners' note.

ACT 2262.

An act to authorize cities to acquire and operate a joint system or systems of water supply.

[Approved March 24, 1903. Stats. 1903, p. 405.]

The people of the state of California, represented in senate and assembly, do enact as follows:

Section 1. Any two or more cities incorporated under the constitution and laws of this state are hereby empowered to jointly acquire and develop a source or sources of water supply for municipal and domestic purposes, and to construct the works necessary for their joint and several purposes and needs.

Sec. 2. Whenever the legislative body of a city deems it advisable to investigate the desirability of joint action with any other city, or cities, for acquiring and maintaining a water supply, such legislative body shall pass a resolution to that effect, and thereupon the mayor of said city shall, with the consent and advice of said legislative body, appoint three commissioners to confer with like commissioners from any other city. Said commissioners from the respective cities shall meet and consider the question of the desirability of their respective cities taking joint action to acquire and develop water supply for their respective cities, and the plans, terms and conditions they deem feasible, just and equitable, and if they agree upon such plans, terms and conditions they shall report the same to the legislative bodies of their respective cities.

Sec. 3. If the legislative bodies of two or more cities approve the plans, terms and conditions of the joint action reported by the commissioners they shall, by resolution, declare such approval, and shall submit the same to the qualified voters of their respective cities for their approval or rejection at the next city election, or at a special election called for that purpose. If the terms, conditions and plans are approved by a majority of the voters voting thereon at such election the said cities may enter upon the work of developing or acquiring water supply for the said cities in accordance with such plans, terms and conditions. And any city may, in the manner required by law, issue bonds for the purpose of prosecuting and completing the work of acquiring a water supply jointly with other cities. All proceedings relating to the issue of such bonds

shall be taken as now required by law for the issue of bonds to acquire a water supply.

Sec. 4. Joint ownership and costs shall be restricted to those portions of the sources and works which shall be common to all the municipalities served, and each municipality shall exclusively own, construct and operate those sources and works which are for its exclusive use.

Sec. 5. The apportionment of all costs of acquisition, construction, operation and maintenance of the joint properties shall be made upon the basis of the amount of water proposed to be apportioned to the several municipalities, unless a different apportionment of costs shall be agreed upon.

Sec. 6. The total costs of works which shall exclusively serve any municipality shall be borne by such municipality exclusively.

Sec. 7. The plans, terms, conditions, or other agreement for acquiring said water supply, may be modified from time to time by agreement between the respective cities, which agreement shall be declared by the action of their respective legislative bodies.

Sec. 8. The term "city" and the term "municipality," as used in this act shall include a consolidated city and county, and the same rights and privileges by this act given to an incorporated city shall pertain to a consolidated city and county.

Sec. 9. Before any resolution or ordinance relating to the joint acquisition of a water supply becomes binding upon any city or municipality it shall be approved by the mayor of such city, or passed over his veto, in the manner provided by law or the charter of such city for the passage of ordinances.

Sec. 10. This act shall be in force from and after its passage.

ACT 2363.

An act to provide for the sale of an excess of water when owned by a municipality.

[Approved March 27, 1897. Stats. 1897, p. 182.]

The people of the state of California, represented in senate and assembly, do enact as follows:

Section 1. Whenever the water supply owned by any city, incorporated town, county, or city and county, is in

excess of the amount required to supply the water required by the inhabitants thereof, it may be declared by ordinance that such excess exists, and such excess of water may be sold outside of the limits of the corporation; but in no case shall a contract be made for a supply of any excess of water sold by a city, incorporated town, county, or city and county, outside the corporate limits for a period longer than one year; and in no case shall such a contract be made unless the legislative authority of a city, incorporated town, county, or city and county, declare by ordinance that there exists an excess of water not required to supply the inhabitants of the city, incorporated town, county, or city and county, within the term of the contract, but water not required to supply the inhabitants of a city, incorporated town, county, or city and county, may be sold by the authorities thereof outside the corporate limits from month to month during the existence of such excess, and shall be sold only at the rates fixed for consumers inside the corporate limits.

Sec. 2. This act shall take effect immediately.

ACT 2364.

An act conferring power upon the common council, board of supervisors, or other governing body of cities, or cities and counties, of over one hundred thousand inhabitants, to acquire or condemn land for a suitable site, and erect thereon a suitable building or buildings for municipal purposes.

[Approved March 27, 1895. Stats. 1895, p. 242. Amended 1897, p. 50.]

The people of the state of California, represented in senate and assembly, do enact as follows:

Section 1. Power and authority is hereby conferred upon the common council, board of supervisors, or other governing body of every city, or city and county, in this state having a population of over one hundred thousand inhabitants, to provide for the erection and construction in such city, or city and county, and at the expense of the same, such additional or other municipal building or buildings as the common council, board of supervisors, or other governing body of such city, or city and county, may determine upon for the accommodation of the criminal department of the superior court, police courts, police

stations, prisons, morgues, or coroner's offices of such city, or city and county, and for such other municipal uses as may be deemed necessary.

Sec. 2. In the event that the common council, board of supervisors, or other governing body of such city, or city and county, shall deem it expedient, and in their judgment that the public good requires the construction of such building or buildings, for the construction of which power is conferred upon them by section one of this act, in the manner and mode prescribed by this act, they are hereby authorized and empowered to express such judgment by resolution or order, in such manner as they may deem proper. And for the purpose of raising the money necessary to complete said building or buildings, the said common council, board of supervisors, or other governing body of such city, or city and county, is hereby authorized and empowered to levy and collect, in the same manner and at the same time as other taxes are levied and collected in such city, or city and county, for municipal purposes, an ad valorem property tax on real and personal property, which shall not in the aggregate exceed the sum of three hundred thousand dollars, which sum shall cover all the expense of the said building or buildings.

Sec. 3. As a site for the erection and construction of said building or buildings, power is hereby conferred upon the common council, board of supervisors, or other governing body of such city, or city and county, to acquire by purchase, or to condemn and acquire under the laws of eminent domain, such land as may be necessary therefor.

Sec. 4. The money arising from the tax hereby authorized to be levied and collected shall be kept by the city, city and county treasury of such city, or city and county in a fund to be known as the "Public Building Fund," and out of which said fund all claims for work, labor, and materials used in the construction of said building, and all other expenses authorized to be incurred under the provisions of this act, shall be paid. All claims against the said fund shall be allowed by the common council, board of supervisors, or other governing body of such city, or city and county, by resolution entered upon the minutes in the same manner and form as other expendi-

tures are authorized, before the auditor shall be authorized to audit the same; and in no case shall any portion of said fund be used or expended for any other purpose than those herein indicated, nor shall any part of the cost of the construction of said building be paid out of any other or different fund; nor shall any lien for work, labor, or material at any time attach to the said building or buildings, nor the land upon which the same is located in any manner whatever.

Sec. 5. When work is to be done upon said building or buildings, or materials to be furnished, it shall be the duty of the common council, board of supervisors, or other governing body of such city, or city and county, to advertise for at least ten days in a daily newspaper published and circulated in such city, or city and county, for sealed proposals for doing both said work and furnishing said material. The said work and material shall be of the best quality. The advertisement shall contain a general description of the work to be done and the materials to be furnished, the time within which the same is to be done or furnished, and may refer to plans and specifications for such other details as may be necessary to give a correct understanding regarding the work or materials. The advertisement shall also state the day and an hour of said day within which bids will be received. At the hour and day stated in the advertisement, the said board or body shall proceed to open the bids in the presence of the bidders, and an abstract of each shall be recorded in the minutes by the clerk. A day and hour shall then be fixed for considering the bids and awarding the contract. An abstract of said bids, showing the name of each bidder, the price at which work, labor, and materials are offered to be done or furnished by each, and such other things as may be necessary to show or explain the offer, shall be made by the clerk and published for five days in a daily newspaper of general circulation published in such city, or city and county. At the expiration of five days after the first publication of the abstract, on the day and at the hour fixed by said board or body, said board or body shall proceed to consider the several bids and award the contract for doing the work and supplying the material for which proposals are invited, and for none other, to the lowest bidder who shall furnish sufficient sureties to

guarantee the performance of the contract; provided, the advertisement hereinbefore provided for, shall invite proposals and bids, in one total sum or amount, for the performance of all the work and the furnishing of all the materials called for in the said advertisement for the erection of the entire building or buildings. Said board or body shall have the right to reject any or all bids, when in their judgment the public interests may be thereby promoted. Such contract shall be executed on behalf of such city, or city and county, by the mayor, or president of the common council, board of supervisors, or other governing body of such city, or city and county. No change in the plans or specifications shall be made after proposals for doing work and furnishing materials have been called for, nor shall any contractor be allowed a claim for work done or materials furnished in excess of his contract, except on the approval of said common council, board of supervisors, or other governing body of cities, or cities and counties; provided, that the aggregate cost of any change, or changes, shall not exceed the sum of three thousand dollars. All contracts shall be in writing, and shall be carefully drawn by the city attorney, city and county attorney, or other law officer of such city, or city and county, and shall contain detailed specifications of the work to be done, the manner in which the same shall be executed, the quality of the material, and the time within which the same shall be completed; and such penalty for the non-performance of such contract as said board or body may deem just and reasonable. All contracts shall be signed in triplicate—one copy of which, with the plans and specifications of the work to be done, shall be filed with the clerk or secretary of said board or body, and shall at all times, in office hours, be open to the inspection of the public; one, with the plans and specifications, shall be kept in the office of said board or body, and the other copy, with plans and specifications, shall be delivered to the contractor. [Amendment approved March 2, 1897. Stats. 1897, p. 50. In effect immediately.]

Sec. 6. The common council, board of supervisors, or other governing body of such city, or city and county, may make payments on such contract from time to time, as work progresses or materials are furnished; but until the contract is completed, at no time shall the payments ex-

ceed seventy-five per centum of the value of the labor or materials furnished.

Sec. 7. The plans and specifications herein referred to shall be secured by said board or body after the publication for ten days in a daily newspaper of general circulation in such city, or city and county, of a resolution inviting the submission of competitive plans and specifications for said building or buildings. Said resolution shall contain a general statement of the purposes for which said building or buildings are to be used, the cost thereof, and the character of the design required. Said plans and specifications may be submitted to such board or body under such requirements and conditions, and at such time as said board or body may prescribe.

Sec. 8. This act shall take effect and be in force from and after its passage.

ACT 2265.

An act authorizing municipal corporations to lease, purchase, own, and operate gravel-beds and quarries, and to transport gravel and rock therefrom to such municipal corporations, for the purpose of making, improving, and repairing roads.

[Approved March 27, 1897. Stats. 1897, p. 217.]

Municipal corporations may acquire gravel beds and quarries.

Section 1. Any incorporated city or town in this state may acquire, lease, purchase, and operate any gravel-bed or quarry within the county where such city or town is situated, and may equip and operate a plant at such gravel-bed or quarry, or within such town or city, for the purpose of breaking, crushing, or otherwise preparing gravel or rock to be used in making, paving, improving, or repairing its streets. Any such city or town may acquire, lease, or purchase and maintain all necessary roads, rights of way, and tramways over which to transport gravel or rock from such gravel-bed or quarry to such city or town, and all necessary appliances for that purpose.

Two-thirds vote necessary.

Sec. 2. No money shall be expended or expense incurred for any of the purposes set forth in section one, unless the same is authorized at a regular meeting of the

legislative body of such city or town, and by a vote of two thirds of the members thereof.

Sec. 3. This act shall not extend or enlarge any limitation upon municipal taxation or the expenditure of municipal funds, now existing by reason of state laws or city charters in any of the cities or towns of this state.

ACT 2366.

An act to promote the protection of cities, towns, and municipal corporations from overflow by water and the drainage of the same, and for such purposes authorizing the incurring of indebtedness and the issuance of bonds therefor by the same, and providing for the disposition of the proceeds of such bonds, and for the supervision of the protective and other works.
[Approved March 26, 1895. Stats. 1895, p. 95.]

The people of the state of California, represented in senate and assembly, do enact as follows:

Section 1. Any city, town, or municipal corporation incorporated under the laws of this state may, by procedure hereinafter prescribed, incur indebtedness and liability, although in excess of the income and revenue by it provided for the current fiscal year, but not so that the aggregate funded indebtedness thereof shall exceed six per cent of the assessed value of all the real and personal property in the municipality, for the purpose of protecting such city, town, or municipal corporation from overflow by water, and for the purpose of draining such city, town, or municipal corporation, and for the purpose of securing an outlet for such overflow water and drainage, or for any part of said purposes, whether by means of canals, ditches, levees, dikes, embankments, dams, and machinery and other like appropriate or ancillary means or works, or any of the same, whether situated within or without the territorial limits of such city, town, or municipal corporation.

Sec. 2. The procedure mentioned in section one aforesaid shall be as follows, to wit: The city council or legislative body of such city, town, or municipal corporation shall, first, have made by some competent person general plans and estimates of the cost of such canals, ditches, levees, dikes, embankments, dams, machinery, and other means or works as may be contemplated, which general plans and estimates shall, after adoption, be filed in the

office of the clerk of such municipality, and which general plans shall be substantially adhered to thereafter in proceedings under this act. Said city council or legislative body shall, secondly, after the filing of such general plans and estimates, and by resolution or ordinance passed at a regular meeting by a vote of two thirds of all its members and approved by the executive of the municipality, determine, if so advised, that the public good demands the construction, acquisition, and completion, or either, of canals, ditches, levees, dikes, embankments, dams, machinery, and other like appropriate or ancillary means, or works, or any of the same, for any or all of the purposes mentioned in section one aforesaid; and shall further, by the same resolution or ordinance, determine, if so advised, that the cost of the same will be too great to be paid out of the ordinary income or revenue of the municipality; and such resolution or ordinance, shall, after its passage and approval, be published as hereinafter prescribed. Said city council or legislative body shall, within one month after the publication aforesaid, and by resolution or ordinance passed at a regular meeting by a vote of two thirds of all its members, and approved by the executive of the municipality, call a special election, and submit to the qualified voters of such city, town, or municipal corporation the proposition to incur a debt for any or all of the purposes mentioned in section one aforesaid, and which have been as aforesaid determined to be demanded for the public good. The resolution or ordinance calling such special election shall specify the purpose for which the indebtedness is proposed to be incurred, the estimated cost of the things proposed, that bonds of the municipality will issue in the amount of such estimated cost, the number and character of such bonds, the rate of interest to be paid, and the amount of the tax levy for each year during the outstanding of such bonds to be made for their payment. Such last-named resolution or ordinance shall be published as hereinafter prescribed. Such city council or legislative body shall cause to be published, after the publication last named and prior to the day of holding such special election, a notice of the same, which notice shall set forth substantially all the matters contained in the aforesaid resolution or ordinance calling such special election.

Sec. 3. Every publication hereinbefore mentioned or required shall be in some newspaper published in such city, town, or municipal corporation; if in a daily paper in at least ten issues thereof, and if in a weekly paper in at least two issues thereof; and no publication shall be deemed to have begun until any one required preceding the same shall have been completed.

Sec. 4. Such special election shall be held in the manner provided by law for holding elections in such city, town, or municipal corporation.

Sec. 5. It shall require the votes of two thirds of all the voters voting at such special election to authorize the incurring of any indebtedness or the issuance of any bonds under this act. If two thirds of all the votes cast at such special election be in favor of the proposition submitted, the city council or legislative body may, by ordinance reciting the result of said election, provide for the issuance of the proposed bonds and any matter incidental thereto.

Sec. 6. All municipal bonds issued under this act shall be of the kind known as serials, and of such denominations as the city council or legislative body may determine; provided, that no bond shall be for less than one hundred dollars nor for more than one thousand dollars, and that not less than one-fortieth part of the whole indebtedness evidenced by the whole of the issue of such bonds shall be, by the terms of such bonds, made payable each and every year. Each bond shall be made payable either in gold coin or other lawful money of the United States as may be expressed in such bond, on a day and at a place designated therein, with interest at the rate specified therein, which rate shall not exceed seven per cent per annum, to be fixed by such city council or legislative body. Said place of payment shall be either at the office of the treasurer of the municipality, or at some designated bank in San Francisco, Chicago, or New York. Said bonds shall be executed on the part of such municipality by the mayor or other executive thereof, and by the treasurer thereof, and countersigned by the clerk of the municipality. The interest coupons shall be numbered consecutively and signed by the treasurer.

Sec. 7. Any of such bonds may be issued by the city council or legislative body of such city, town, or municipal

corporation, and by the same sold, at not less than their face value; and the proceeds of such sale shall be deposited in the municipal treasury to the credit of a designated fund and be applied exclusively to the purposes and objects for which, as aforesaid, the electors have voted to incur indebtedness or liability, until such purposes and objects shall have been accomplished, after which, the surplus, if any, may be transferred to the general fund of the municipality.

Sec. 8. Such city council or legislative body shall, at the time of fixing the general tax levy, and in the manner for such general tax levy provided, levy and collect annually, each year, for the term of forty years, a tax sufficient to pay the annual interest on such bonds and also one-fortieth part of the aggregate amount of such indebtedness so incurred. The taxes herein required to be levied and collected shall be in addition to all other taxes levied for municipal purposes, and shall be collected at the same time and in the same manner as other municipal taxes are collected.

Sec. 9. The city council or legislative body of every city, town, or municipal corporation wherein or for which any public works or improvements are being had or constructed for the purposes hereinbefore specified, and for which indebtedness has been incurred under the provisions of this act, shall have power to make all needful rules and regulations for acquisition, construction, and completion of such works and improvements; to appoint all needful agents, superintendents, and engineers to supervise and construct the same, and shall have power in all lawful ways to protect and preserve the rights and interests of the municipality in respect thereof.

Sec. 10. All contracts as to said works and improvements shall be let, in such parcels as the city council or legislative body may determine, to the lowest responsible bidder, after notice given for at least ten days by publication in one or more newspapers published in the municipality, inviting sealed proposals. Security or bonds may be required in order to guarantee good faith in bidding and in the performance of contracts, or either, in such amount as such council or legislative body may determine, and such council or legislative body may reject any or all bids.

Sec. 11. The city council or legislative body of the municipality may, by resolution, if it deem the same necessary, require the treasurer of the municipality to give additional bonds for the safe custody and care of public funds derived under this act.

Sec. 12. The provisions of this act are intended to be paramount and controlling as to all matters provided for therein and as to all questions arising in or out of procedure thereunder.

Sec. 13. This act shall take effect from and after the time of its passage.

ACT 2367.

To authorize the governing bodies of cities and towns other than cities of the first class, to refund indebtedness. [Stats. 1883, p. 370.]

Amended 1893, 57; 1895, 203. Repealed 1897, 75.

Cal.Rep.Cit. 104, 693; 104, 696; 109, 379; 109, 380; 112, 328; 119, 629; 121, 21; 121, 211; 128, 319; 138, 385; 138, 386.

Unconstitutional in part. (Los Angeles v. Teed, 112 Cal. 319.)

ACT 2368.

Authorizing the common council, board of trustees, or other governing body of any incorporated city or town other than cities of the first class to refund its indebtedness, to issue bonds therefor and to provide for the payment of the same. [Stats. 1897, p. 75.]

Amended 1901, 274.

Unconstitutional in part. (Los Angeles v. Hance, 122 Cal. 77.)

ACT 2369.

Authorizing the incurring of indebtedness by cities and towns to pay the cost of any permanent public improvement. [Stats. 1887, p. 120.]

Amended 1889, 14. Repealed 1889, 402.

ACT 2370.

Authorizing cities of not less than twenty-six nor more than thirty thousand inhabitants to vote upon the question of paying indebtedness incurred in the years 1889 and 1890. [Stats. 1891, p. 8.]

Unconstitutional. (Darcy v. Mayor, 104 Cal. 642; Ex parte Giambonini, 117 Cal. 573; Pasadena v. Stimson, 91 Cal. 238.)

ACT 2371.

An act authorizing the incurring of indebtedness by cities, towns, and municipal corporations for municipal improvements, and regulating the acquisition, construction, or completion thereof.

[Became a law under constitutional provision without governor's approval, February 25, 1901. Stats. 1901, 27.]

The people of the state of California, represented in senate and assembly, do enact as follows:

Section 1. Any city, town or municipal corporation incorporated under the laws of this state, may as hereinafter provided incur indebtedness to pay the cost of any municipal improvement requiring an expenditure greater than the amount allowed for such improvement by the annual tax levy.

Sec. 2. Whenever the legislative branch of any city, town or municipal corporation shall, by resolution passed by vote of two thirds of all its members and approved by the executive of said municipality, determine that the public interest or necessity demands the acquisition, construction or completion of any municipal improvement, including bridges, water-works, water-rights, sewers, light or power-works or plants, buildings for municipal uses, school-houses, fire apparatus, and street work, or other works, property or structures necessary or convenient to carry out the objects, purposes and powers of the municipality, the cost of which will be too great to be paid out of the ordinary annual income and revenue of the municipality, it may at any subsequent meeting of such board, by a vote of two thirds of all its members, and also approved by the said executive, call a special election and submit to the qualified voters of said city, town or municipal corporation the proposition of incurring a debt for the purpose set forth in said resolution, and no question other than the incurring of the indebtedness for said purpose shall be submitted; provided, that propositions of incurring indebtedness for more than one object or purpose may be submitted at the same election. The ordinance calling such special election shall recite the objects and purposes for which the indebtedness is proposed to be incurred, the estimated cost of the proposed public improvements, the amount of the principal of the indebtedness to be incurred

lic improvements are being made under the provisions of this act, to make all needful rules and regulations for carrying out and maintaining such improvements, to appoint all needful agents, superintendents and engineers to properly look after the construction and operation of such public works, and in all lawful ways to protect and preserve the rights and interests of the municipality; provided, however, that in cities, towns, or municipalities operating under a charter heretofore or hereafter framed under section eight of article eleven of the constitution, and having a board of public works, all the matters and things required in this section to be done and performed by the legislative branch of the municipality shall be done and performed by the board of public works of such city, town or municipality.

Sec. 9. All contracts for the construction or completion of any public works or improvements, or for furnishing labor or materials therefor, as herein provided, shall be let to the lowest responsible bidder. The legislative branch of the municipality shall advertise, for at least ten days, in one or more newspapers published in the municipality, inviting sealed proposals for furnishing the labor and materials for the proposed improvements, before any contract shall be made therefor. The said legislative branch shall have the right to require such bonds as they may deem best from the successful bidder, to insure the faithful performance of the contract work. They shall also have the right to reject any and all bids; provided, however, that in cities, towns or municipalities operating under a charter heretofore or hereafter framed under section eight of article eleven of the constitution, and having a board of public works, all the matters and things required in this section to be done and performed by the legislative branch of the municipality shall be done and performed by the board of public works of such city, town or municipality.

Sec. 10. Whenever the legislative branch of any municipality shall by resolution deem it necessary, they may require the treasurer of such municipality to give additional bonds for the safe custody and care of the public funds.

Sec. 11. All acts and parts of acts in conflict with this act are hereby repealed.

Sec. 12. This act shall not be deemed to repeal, con-

dict with or modify any provision of any statute of this state concerning the levy of special taxes for specific public improvements when bond issues are not contemplated.

Sec. 13. This act shall take effect immediately.

ACT 2372.

An act authorizing cities, towns, and municipal corporations to establish and maintain public assembly or convention halls, and to incur indebtedness for such improvements.

[Approved March 25, 1903. Stats. 1903, p. 412.]

The people of the state of California, represented in senate and assembly, do enact as follows:

Section 1. Any city, town, or municipal corporation in this state may acquire, by purchase, condemnation, or otherwise, all necessary land whereon to construct, and may construct and maintain thereon, a public assembly or convention hall, and may incur indebtedness, as hereinafter provided, to pay the cost of such improvement.

Sec. 2. Whenever the legislative body of any city, town, or municipal corporation, shall, by resolution passed by a vote of a majority of its members, determine that the public interest or necessity demands the acquisition of the necessary land whereon to construct, and the construction or completion thereon, of a public assembly or convention hall, the cost of which will be too great to be paid out of the ordinary annual income and revenue of the municipality, it may, at any subsequent meeting of such body, by an ordinance, passed by a vote of two thirds of all its members, call a special election, and submit to the qualified voters of said municipality, the proposition of incurring a debt for the purpose set forth in said resolution. The ordinance calling such special election shall recite the object and purpose for which the indebtedness is proposed to be incurred, the estimated cost of the proposed improvement, the amount of the principal of the indebtedness to be incurred therefor, and the rate of interest to be paid on said indebtedness; and shall fix the date on which such special election will be held, the manner of holding such election, and of voting for or against such proposition; and in all other particulars not recited in said ordinance, such election shall be held as provided by law

lic improvements are being made under the provisions of this act, to make all needful rules and regulations for carrying out and maintaining such improvements, to appoint all needful agents, superintendents and engineers to properly look after the construction and operation of such public works, and in all lawful ways to protect and preserve the rights and interests of the municipality; provided, however, that in cities, towns, or municipalities operating under a charter heretofore or hereafter framed under section eight of article eleven of the constitution, and having a board of public works, all the matters and things required in this section to be done and performed by the legislative branch of the municipality shall be done and performed by the board of public works of such city, town or municipality.

Sec. 9. All contracts for the construction or completion of any public works or improvements, or for furnishing labor or materials therefor, as herein provided, shall be let to the lowest responsible bidder. The legislative branch of the municipality shall advertise, for at least ten days, in one or more newspapers published in the municipality, inviting sealed proposals for furnishing the labor and materials for the proposed improvements, before any contract shall be made therefor. The said legislative branch shall have the right to require such bonds as they may deem best from the successful bidder, to insure the faithful performance of the contract work. They shall also have the right to reject any and all bids; provided, however, that in cities, towns or municipalities operating under a charter heretofore or hereafter framed under section eight of article eleven of the constitution, and having a board of public works, all the matters and things required in this section to be done and performed by the legislative branch of the municipality shall be done and performed by the board of public works of such city, town or municipality.

Sec. 10. Whenever the legislative branch of any municipality shall by resolution deem it necessary, they may require the treasurer of such municipality to give additional bonds for the safe custody and care of the public funds.

Sec. 11. All acts and parts of acts in conflict with this act are hereby repealed.

Sec. 12. This act shall not be deemed to repeal, con-

dict with or modify any provision of any statute of this state concerning the levy of special taxes for specific public improvements when bond issues are not contemplated.

Sec. 13. This act shall take effect immediately.

ACT 2372.

An act authorizing cities, towns, and municipal corporations to establish and maintain public assembly or convention halls, and to incur indebtedness for such improvements.

[Approved March 25, 1903. Stats. 1903, p. 412.]

The people of the state of California, represented in senate and assembly, do enact as follows:

Section 1. Any city, town, or municipal corporation in this state may acquire, by purchase, condemnation, or otherwise, all necessary land whereon to construct, and may construct and maintain thereon, a public assembly or convention hall, and may incur indebtedness, as hereinafter provided, to pay the cost of such improvement.

Sec. 2. Whenever the legislative body of any city, town, or municipal corporation, shall, by resolution passed by a vote of a majority of its members, determine that the public interest or necessity demands the acquisition of the necessary land whereon to construct, and the construction or completion thereon, of a public assembly or convention hall, the cost of which will be too great to be paid out of the ordinary annual income and revenue of the municipality, it may, at any subsequent meeting of such body, by an ordinance, passed by a vote of two thirds of all its members, call a special election, and submit to the qualified voters of said municipality, the proposition of incurring a debt for the purpose set forth in said resolution. The ordinance calling such special election shall recite the object and purpose for which the indebtedness is proposed to be incurred, the estimated cost of the proposed improvement, the amount of the principal of the indebtedness to be incurred therefor, and the rate of interest to be paid on said indebtedness; and shall fix the date on which such special election will be held, the manner of holding such election, and of voting for or against such proposition; and in all other particulars not recited in said ordinance, such election shall be held as provided by law

for holding municipal elections in such municipality. Such ordinance shall be published once a day for a period of five days in a daily newspaper published in said municipality, or once a week for three successive weeks in a weekly newspaper published in said municipality. No other notice of such election need be given.

Sec. 3. It shall require the votes of two thirds of all the voters voting at such special election to authorize the issuance of the bonds herein provided for.

Sec. 4. No city, town, or municipal corporation shall incur an indebtedness under the provisions of this act, which together with all other indebtedness of said city, town, or municipal corporation, shall, in the aggregate, exceed fifteen per cent of the assessed value of all the real and personal property in said city, town or municipal corporation.

Sec. 5. All bonds issued under the provisions of this act shall be issued, sold, and made payable, in the manner and form prescribed for the issue, sale, and payment of municipal bonds, by an act entitled, "An act authorizing the incurring of indebtedness by cities, towns, and municipal corporations for municipal improvements, and regulating the acquisition, construction, or completion thereof," which became a law, under the provisions of the constitution, without the governor's approval, February 25, 1901.

Sec. 6. The proceeds of the sale of bonds issued under the provisions of this act shall be placed in the municipal treasury to the credit of a fund to be known as the public hall fund, and shall be applied, exclusively, to the purpose and object mentioned in the ordinance.

Sec. 7. The legislative body of said municipality shall, at the time of fixing the general tax levy, and in the manner for such general tax levy provided, levy and collect, annually, each year until said bonds are paid, a tax sufficient to pay the annual interest and the part of the principal of such bonds, that shall become due before the time for fixing the next general tax levy, and is not at the time of fixing such annual tax levy, otherwise provided for by funds then in the treasury and set apart for that purpose. The taxes herein required to be levied and collected shall be in addition to all other taxes levied for municipal purposes, and shall be collected at the same time, and in

the same manner as other municipal taxes are collected, and be used for no other purpose than the payment of said bonds and accruing interest.

Sec. 8. All moneys derived from the use or hire of such assembly or convention hall shall be deposited in the treasury of the municipality to the credit of said public hall fund, and shall be applied, exclusively, to the following purposes, to wit:

First—For the necessary expenses of conducting, maintaining, and insuring such hall, and of making all improvements and repairs thereof.

Second—For the payment of installments of interest or principal becoming due on said bonds until the whole of said bonded indebtedness shall have been paid.

Third—Any surplus remaining after providing for the purposes, first and second above specified, may be appropriated and used for general municipal purposes.

Sec. 9. The legislative body of any city, town, or municipal corporation wherein bonds have been issued for the construction or completion of a public assembly or convention hall, under the provisions of this act, shall have the power to appoint and employ all needful architects, engineers, superintendents, and agents, to prepare plans for the construction or completion of such public assembly or convention hall, and to superintend such work. All contracts for the construction or completion of such public assembly or convention hall, or for the furnishing of labor or materials therefor, shall be let to the lowest responsible bidder. The legislative body of the municipality shall advertise for at least ten days in one or more newspapers published in such municipality, inviting sealed proposals for the construction or completion of said improvement, or for the furnishing of labor and materials therefor before any contracts shall be made. The said legislative body shall have the right to require from the successful bidder, such bonds as they may deem best to insure the faithful performance of his contract. They shall also have the right to reject any and all bids. Said legislative body shall have power to appoint such officers, or agents, and to make and enforce such rules and regulations as may be necessary for the management, control, letting, and use of such public assembly or convention hall; provided, however, that in cities, towns, or municipal corporations,

operating under a charter, heretofore or hereafter framed under section eight of article eleven of the constitution, and providing for a board of public works, all matters and things required in this section to be done and performed by the legislative body of the municipality, shall be done and performed by said board of public works; provided, further, that in cities, towns, or municipal corporations not having such board of public works, the legislative body may, by ordinance, appoint a commission to select the site for said hall, to have charge and supervision of its construction, and to manage and control the letting and use thereof, and may, by ordinance, prescribe and regulate the powers and duties of said commission.

Sec. 10. This act shall take effect immediately.

ACT 2373.

To provide for changing the boundaries of municipal corporations, and to exclude territory therefrom. [Stats. 1889, p. 356.]

Cal.Rep.Cit. 85 370; 95, 452; 109, 471; 109, 473; 123, 605.

Superseded in part, at least, by 1889, 433, chap. CCLXXX. See next act.

ACT 2374.

An act to provide for the alteration of the boundaries of and for the annexation of territory to incorporated towns and cities, and for the incorporation of such annexed territory in and as a part of such municipalities, and for the districting, government, and municipal control of annexed territory.

[Approved March 19, 1889. Stats. 1889, p. 358.]

Cal.Rep.Cit. 123, 600; 123, 606; 133, 340.

Alteration of boundaries of incorporated towns or cities.

Section 1. The boundaries of any incorporated town or city, whether heretofore or hereafter formed, incorporated, reincorporated, organized, or reorganized, may be altered, and new territory annexed thereto, incorporated and included therein, and made a part thereof, upon proceedings being had and taken as in this act provided. The council, board of trustees, or other legislative body of any such municipal corporation, upon receiving a written petition therefor containing a description of the new territory asked to be annexed to such corporation, and signed by not

less than one-fifth in number of the qualified electors of such municipal corporation, computed upon the number of votes cast at the last general municipal election held therein, must, without delay, submit to the electors of such municipal corporation, and to the electors residing in the territory proposed by such petition to be annexed to such corporation, the question whether such new territory shall be annexed to, incorporated in, and made a part of such municipal corporation. Such question shall be submitted at a special election to be held for that purpose, and no other; and such legislative body is hereby empowered to, and it shall be its duty to, cause notice to be given of such election by the publication of a notice thereof in a newspaper printed and published in such municipal corporation, and also in a newspaper, if any such there be, printed and published outside of such corporation, but in the county in which the territory so proposed to be annexed is situated, in each case at least once a week for a period of four successive weeks next preceding the date of such election. Such notice shall distinctly state the proposition to be submitted, i. e., that it is proposed to annex to, incorporate in, and make a part of such municipal corporation the territory sought to be annexed, specifically describing the boundaries thereof; and in said notice the qualified electors of said municipal corporation, and the qualified electors residing in said territory so proposed to be annexed, shall be invited to vote upon such proposition by placing upon their ballots the words "For annexation" or "Against annexation," or words equivalent thereto. Such legislative body is hereby empowered, and it shall be its duty, to establish, and in such notice of election designate the voting precinct or precincts, and the place or places at which the polls will be opened in such territory so proposed to be annexed, and also in such municipal corporation. And such place or places shall be that or those commonly used as voting-places within such municipal corporation, and also that or those commonly used within such new territory, if any such there be. Such legislative body is empowered to, and it shall, appoint the officers of such election, who shall be, for each voting-place in such municipal corporation, and for such voting-place in said new territory, two judges and one inspector, each of whom shall be a qualified elector of the voting precinct

in which he is appointed to act as an officer of such election. The ballots used at such election, the opening and closing of the polls, and the holding and conducting of such election, shall be in conformity, as far as may be, with the general laws of this state concerning elections; and the judges and inspectors of such election shall immediately on the closing of the polls, count the ballots, make up and certify the tally-sheets of the ballots cast at their respective polling-places, seal, and then immediately return the same as below provided, doing so, as nearly as practicable, in the manner provided in the election laws of this state; but the ballots, tally-sheets, and returns shall be so returned to and deposited with the clerk of such legislative body. Such legislative body shall, at the time provided for its regular meeting next after the expiration of three days from and after the date of said election, meet and proceed to open and canvass said ballots, tally-sheets, and returns; and such canvass shall be completed at such meeting, if practicable, and in any event, as soon as practicable, avoiding adjournment or adjournments, if possible, until said canvass is completed. Such canvass by such legislative body shall be conducted and completed as follows: The ballots cast in such outside territory so proposed to be annexed, together with the tally-sheets and returns belonging therewith, shall be canvassed separately; and the ballots cast inside of said municipal corporation, together with their tally-sheets and returns, shall be canvassed separately. Immediately upon the completion of such canvass said legislative body shall cause a record thereof to be made and entered upon its minutes, showing the whole number of ballots cast in such outside territory, the whole number of ballots cast in such municipal corporation, the number thereof cast in each in favor of annexation, and the number thereof cast in each against annexation; and if it shall appear from such canvass that a majority of all the ballots cast in such outside territory, and a majority of all the ballots cast inside of said municipal corporation, are in favor of annexation, the clerk, or other officer performing the duties of clerk, of such legislative body, shall promptly make and certify, under the seal of said municipal corporation, and transmit to the secretary of state, a copy of said record so entered upon said minutes, together with a statement

showing the date of said election and the time and result of said canvass, which document shall be filed by the secretary of state immediately upon the receipt thereof. From and after the date of the filing of said document in the office of the secretary of state, the annexation of such territory so proposed to be annexed shall be deemed and shall be complete, and thenceforth such annexed territory shall be, to all intents and purposes, a part of such municipal corporation, except only that no property within such annexed territory shall ever be taxed to pay any portion of any indebtedness or liability of such municipal corporation contracted prior to or existing at the time of such annexation. No territory which, at the time such petition for such proposed annexation is presented to such legislative body, forms any part of any incorporated town or city, shall be annexed under the provisions of this act.

Altering boundaries of wards.

Sec. 2. The legislative body of any incorporated town or city which is or shall be divided into wards, and to which territory has been heretofore or shall be hereafter annexed, must by ordinance either so alter the boundaries of the wards of such municipal corporation as to include such annexed territory in one or more wards adjoining such annexed territory, or make of such annexed territory one or more additional wards; provided, that the number of wards shall not be so increased as to exceed the number which such municipal corporation may according to law have. In altering the boundaries of wards, or creating new wards, regard must be had to the number of inhabitants, so that each ward shall contain, as near as may be, an equal number of inhabitants, exclusive of persons incapable of citizenship in this state.

Sec. 3. Nothing in this act provided for shall alter or affect the boundaries of any senatorial or assembly district. Expenses, how paid.

Sec. 4. All proper expenses of proceedings for annexation of territory under this act, whether such annexation shall be made and completed or not, shall be paid by the municipal corporation so annexing or attempting to annex such territory.

Sec. 5. This act shall take effect and be in force from and after its approval.

There was also passed at the same session the following act:

ACT 2375.

An act to provide for changing the boundaries of cities and municipal corporations, and to exclude territory therefrom.

[Approved March 20, 1889. Stats. 1889, 433.]

Cal.Rep.Cit. 85, 370; 95, 452.

Exclusion of territory and changing boundaries of municipal corporations.

Sec. 1. The boundaries of any city or municipal corporation may be altered, and territory excluded therefrom, after proceeding had, as required in this section. The council, board of trustees, or other legislative body of such corporation, shall, upon receiving a petition therefor, signed by not less than one fifth of the qualified electors thereof, as shown by the vote cast at the last municipal election held therein, submit to the electors of such corporation the question whether such territory as is proposed by such petition shall be excluded from such municipal corporation and cease to be a part thereof. Such question shall be submitted at a special election to be held for that purpose, and such legislative body shall give notice thereof by publication in a newspaper printed and published in such corporation for a period of four weeks prior to such election. Such notice shall distinctly state the proposition to be so submitted, and shall designate specifically the boundaries of the territory so proposed to be excluded. And the electors shall be invited thereby to vote upon such proposition by placing upon their ballots the words "For exclusion" or "Against exclusion," or words equivalent thereto; such legislative body shall also designate the place or places at which the polls will be opened in such territory so proposed to be excluded, which place or places shall be that or those usually used for that purpose within such territory, if any such there be, and for the purposes of this act, the qualified electors residing in the territory proposed to be excluded shall be entitled to vote at the polls in such territory, and not elsewhere. Such legislative body shall also appoint and designate in such notice the names of the officers of election. Such legislative body shall meet on the Monday next succeeding the day of such election, and proceed to canvass

the votes cast thereat. The votes cast in such territory so proposed to be excluded shall be canvassed separately, and if it shall appear on such canvass that a majority of all the votes cast in such territory, and a majority of all the votes in such corporation, shall be for exclusion, such legislative body shall, by an order entered upon their minutes, cause their clerk, or other officer performing the duties of clerk, to make and transmit to the secretary of state a certified abstract of such vote, which abstract shall show the whole number of electors voting in such territory, the whole number of electors voting in such corporation exclusive of such territory, the number of votes cast in each for exclusion, and the whole number of votes cast in each against exclusion. From and after the date of filing such abstract, such exclusion of such territory from such municipal corporation shall be deemed complete, and thereafter such territory shall cease to be a part of such municipal corporation; provided, that nothing contained in this act shall be held to relieve in any manner whatsoever any part of such territory from any liability for any debt contracted by such municipal corporation prior to such exclusion; and provided further, that such municipal corporation is hereby authorized to levy and collect from any territory so excluded, from time to time, such sums of money as shall be found due from it on account of its just proportion of liability for any payment on the principal or interest of such debts. Such assessment and collection shall be made in the same manner and at the same time that such assessment and collection is levied and made upon the property of such municipal corporation for any payment on account of such debts; and provided further, that any such territory so excluded from any municipal corporation may at any time tender to the legislative body of such municipal corporation the amount for which such territory is liable on account of such debts, and after such tender is made, such authority as is herein given [such] municipal corporation to levy and assess taxes on such excluded territory shall cease.

Sec. 2. This act shall take effect and be in force from and after its passage.

ACT 2376.

An act providing for the adjustment, settlement, and payment of any indebtedness existing against any city or

municipal corporation at the time of exclusion of territory therefrom, and the division of the property thereof.

[Approved March 25, 1893. Stats. 1893, p. 536.]

Sec. 1. That where any territory has been or shall be excluded from any city or municipal corporation, the superior court of the county in which such city or municipal corporation is situate shall, upon a verified petition of any ten taxpayers residing in such city or municipal corporation, or in the territory excluded, made for the purpose of adjusting the amount of the indebtedness of such city or municipal corporation existing at the time of the exclusion of such territory due from the excluded territory, and stating the facts of such exclusion and the amount of such indebtedness, cause notice to be given by publication thereof in a newspaper published in such city or municipal corporation, or in a newspaper published in the county in which such city or municipal corporation is situated, for ten days, stating the substance of such petition, and the time and place that the same shall be heard by said superior court, which time of hearing shall be at least fifteen days after the filing of such petition, or at any time thereafter to which such hearing may be continued by the court.

Any person, corporation, or taxpayer interested in such city or municipal corporation, or in such excluded territory, or in the adjustment and settlement of such indebtedness, may demur to or answer said petition. The rules of pleading and practice provided by the Code of Civil Procedure which are not in conflict with the provisions of this act, are hereby made applicable to the special proceedings herein provided for. The persons so demurring or answering said petition shall be the defendants to said special proceedings, and the signers of the petition shall be the plaintiffs.

Upon the hearing of such special proceedings, the court shall have power to determine the amount due from such excluded territory to the city or municipal corporation from which it was excluded as its proportion of the indebtedness of such city or municipal corporation existing at the time such territory was excluded. In fixing the amount due from such excluded territory, the said court must ascertain and find the purposes for which the said indebtedness

was created; the manner and place in which the proceeds of said indebtedness were expended; the value of the property belonging to the said city or municipal corporation at the time of such exclusion; the assessed value of the property situate in said city or municipal corporation at the time the city assessment was made immediately preceding such exclusion, and the assessed value of the excluded territory as shown by such city assessment. If the value of the property belonging to said city or municipal corporation, and which remains within the boundaries thereof after such exclusion, should exceed the value of city or municipal property situated in such excluded territory, and also exceed the pro rata portion of the indebtedness of the city or municipal corporation due from such excluded territory as shown by said assessment, the court shall find and adjudge that there is nothing due from such excluded territory. After such finding is made, and judgment rendered by the court, such excluded territory shall not be subject to the payment of any such indebtedness, and all property belonging to such city or municipal corporation remaining within its boundaries shall belong exclusively to it.

If the court finds, after deducting the value of the city or municipal property from the value of that in the excluded territory, and the pro rata portion of the indebtedness to be borne by such excluded territory, a balance due from such excluded territory, it shall render judgment accordingly, and the amount of such judgment shall be collected and paid in the same manner and at the same time that the assessment is levied for, and the collection of the annual municipal taxes is made upon the property remaining in such city or municipal corporation for any payment on account of such indebtedness; provided, however, that any such territory excluded from any city or municipal corporation may, at any time, tender to the legislative body of such city or municipal corporation the amount for which such excluded territory is liable on account of such indebtedness; and after such tender is made the authority of such city or municipal corporation to levy and assess taxes on such excluded territory shall forever cease.

Sec. 2. This act shall take effect and be in force from and after its passage.

Consult also :

ACT 2377.

To provide for the alteration of the boundaries of incorporated towns and cities by the annexation of uninhabited territory thereto. [Stats. 1899, p. 37.]

ACT 2378.

Municipal corporations act, enabling them to annex adjacent property. [Stats. 1871-2, p. 50.]

Repealed 1873-4, 535.

ACT 2379.

To provide for changing the boundaries of cities and municipal corporations, and to exclude territory therefrom. [Approved March 19, 1889. Stats. 1889, 356.]

The code commissioners say this act was superseded, in part at least, by 1889, 433, ante.

ACT 2380.

To enable the board of supervisors, town council, board of aldermen, or other legislative body of any city and county, city, or town, to obtain data and information, from any corporation, company, or person supplying water to such city and county, city, or town, requiring such boards, town council, or other legislative body to perform the duties prescribed by section one of article fourteen of the constitution, and prescribing penalties for the non-performance of such duties. [Approved March 7, 1881. Stats. 1881, p. 54.]

Amended 1885, 95.

Cal.Rep.Clt. 61, 28; 118, 487.

Unconstitutional in part. (*Fitch v. Supervisors*, 122 Cal. 285.)

See this act, title Water Companies, post.

ACT 2381.

Authorizing municipalities of less than the first class to obtain, by purchase, donation, or devise, lands for cemetery purposes; and authorizing the board of trustees of said municipalities to make all necessary rules and regulations for the government and disposition of the same. [Stats. 1899, p. 22.]

ACT 2382.

An act to ratify and confirm the conveyance of certain property to trustees for charitable or educational pur-

poses by the city council or trustees of any city of less than fifty thousand inhabitants, or of any incorporated town.

[Approved March 8, 1889. Stats. 1889, p. 94.]

Confirming conveyance of property for charitable or educational purposes.

Section 1. Wherever the city council or trustees of any city of less than fifty thousand inhabitants, or of any incorporated town, has by deed of trust conveyed property, or any portion thereof, that has been set apart for a public park, to trustees, for charitable or educational uses, such conveyance is hereby ratified and confirmed; provided, that no institution now existing or to be established on such property shall be private in its benefits, or sectarian in its work or teachings, or be to any extent under the management or control of or in any way tributary to any religious creed or order, church, or sectarian denomination whatsoever; provided further, that land so conveyed shall be kept open as public grounds by the trustees of such institutions as are or may be placed thereon, and that the public visitation of such grounds shall not be restricted, excepting by such reasonable regulations as park property and the proper maintenance of such institutions may require; provided further, that property so conveyed shall revert to the grantors, whenever and so far as the grantees do not use the same in accordance with the stipulations of the deed of trust and with the requirements of this statute.

Sec. 2. This act shall take effect immediately.

TITLE 321.

NAPA CITY.

ACT 2387.

Act to incorporate. [Stats. 1871-2, p. 542.]

Reincorporated under statute of 1873-4, p. 140, chap. CXVII, which must operate as a repeal of the earlier statute.

ACT 2388.

Reincorporating. [Stats. 1873-4, p. 140.]

Amended 1875-6, 550; 1877-8, 1011. Superseded by charter, 1893, 641.

ACT 2389.

Water supply for. [Stats. 1875-6, p. 595.]

Superseded by charter, 1893, 641.

TITLE 322.

NAPA COUNTY.

ACT 2394.

Legalizing certain notarial acknowledgments. [Stats. 1875-6, p. 572.]

This act legalized acknowledgments taken by one N. M. Bonham.

ACT 2395.

In reference to county assessor. [Stats. 1871-2, p. 437.]

Superseded by County Government Act, 1897, 532, sec. 180.

ACT 2396.

Providing for the building and furnishing of a courthouse and jail in. [Stats. 1877-8, p. 569.]

ACT 2397.

Act defining northern boundary of. [Stats. 1871-2, p. 305.]

ACT 2398.

Dispensing with copies of great register in certain elections in. [Stats. 1873-4, p. 515.]

"Repealed by Political Code, secs. 1094-1097 and 1115, 1116, as amended in 1899."—Code Commissioners' note.

ACT 2399.

Estrays in. [Stats. 1871-2, p. 434.]

Repealed 1878-4, 705.

ACT 2400.

Applying provisions of act of 1873-4, p. 50, to. [Stats. 1878-4, p. 705.]

Repealed 1897, 198.

This act made the act relating to the trespassing of animals applicable to Napa County.

ACT 2401.

Supervisors to transfer a certain fund. [Stats. 1877-8, p. 550.]

Superseded by subd. 18, sec. 25, County Government Act, 1897, 463.

This act authorized the transfer of the swamp land fund into the general fund.

ACT 2402.

Salaries and compensation of certain officers. [Stats. 1873-4, p. 392.]

Amended 1877-8, 551. Repealed by County Government Act, 1897, 532, sec. 180.

ACT 2402.

Concerning persons under sentence of imprisonment in jail of. [Stats. 1871-2, p. 791.]

Superseded by subd. 29, sec. 25, County Government Act, 1897, 464.

This act authorized the supervisors to put the prisoners to work upon the public works.

ACT 2404.

To provide for the transcribing and transferring certain records in Sonoma and Solano counties to the county of Napa. [Stats. 1858, p. 65.]

ACT 2405.

Transcribing records of. [Stats. 1863-4, p. 500.]

This was an act for the better preservation of certain records in Napa County.

ACT 2406.

To provide for the establishment and maintenance of roads in. [Stats. 1877-8, p. 1024.]

Repealed 1883, 5, chap. X, sec. 2.

ACT 2407.

Board of supervisors, reorganizing. [Stats. 1873-4, p. 158.]

Supplemented 1878-4, 329. Repealed by County Government Act, 1897, 455, sec. 14-18.

ACT 2408.

Fixing fees of county surveyor. [Stats. 1873-4, p. 108.]

ACT 2409.

Title to certain lands in, quieting. [Stats. 1873-4, p. 329.]

This act related to certain lands in the Suscol rancho.

TITLE 323.

NAPA LADIES SEMINARY.

ACT 2414.

Authorizing the granting of diplomas by. [Stats. 1871-2, p. 801.]

TITLE 324.

NAPA RIVER.

ACT 2419.

Authorizing construction of bridge across, at Napa City. [Stats. 1871-2, p. 792.]

Repealed 1875-6, 855.

TITLE 325.

NATIONAL GUARD.

ACT 2424.

To define the duties of inspectors of rifle practice. [Stats. 1877-8, p. 758.]

"Probably repealed by Political Code, sec. 2008, adopted 1897."
—Code Commissioners' note.

ACT 2425.

To provide for independent and unattached companies of, and to provide for the manner of making allowances for the use and support of such companies. [Stats. 1901, p. 110.]

This act appears in full in Political Code, Appendix, p. 1099.

ACT 2426.

To establish a camp of instruction for the, and to authorize the acquisition by donation of a site for the same. [Stats. 1899, p. 65.]

ACT 2427.

Providing that all encampments of the National Guard shall be held at the state camp of instruction unless otherwise ordered. [Stats. 1899, p. 148.]

ACT 2428.

Authorizing the acquisition by donation of a site or sites for camps of instruction for the National Guard of the state and to improve the same. [Stats. 1893, p. 123.]

Probably repealed 1899, 65.

ACT 2429.

Regarding organizations, officers, and members of the National Guard who entered the United States volunteer service in the Spanish-American war; their privileges, and exemptions, and retirements, and providing for the return to such National Guard of such organizations, officers and members. [Stats. 1899, p. 158.]

See Political Code, secs. 1936, 1973a, as amended 1901, 581, 585.

TITLE 326.

NATURALIZATION.

ACT 2431.

Naturalization, provision for indexing names of persons who have declared their intention to become or who

have become citizens of the United States. [Stats. 1871-2, p. 80.]

Sec. 1 probably in force; sec. 2 superseded by the fee bill of 1895, 267.

TITLE 327.

NAVAL BATTALION.

ACT 2439.

To establish a naval battalion to be attached to the National Guard. [Stats. 1891, p. 258.]

Repealed 1893, 63.

ACT 2440.

To establish a naval battalion to be attached to the National Guard. [Stats. 1893, p. 62.]

Modified, if not superseded, by Political Code, sec. 1962, as amended 1901, 583.

TITLE 328.

NAVIGATION.

ACT 2443.

Buoys and beacons, protection of. [Stats. 1873-4, p. 619.]

ACT 2446.

Submarine sites for lighthouses and other aids to navigation. [Stats. 1873-4, p. 621.]

This act authorized the governor to convey sites to the United States for the above purpose.

TITLE 329.

NEGLIGENCE.

ACT 2451.

Requiring compensation for causing death by wrongful act, neglect, or default. [Stats. 1862, p. 447.]

Cal.Rep.Cit. 42, 216; 42, 217; 50, 612; 84, 521; 115, 391.

Superseded by Code of Civil Procedure, secs. 376, 377.

TITLE 330.

NEUCES CREEK.

ACT 2456.

To declare Neuces Creek in Contra Costa County navigable. [Stats. 1858, p. 127.]

Incorporated in Political Code, sec. 2349.

TITLE 331.

NEVADA CITY.

ACT 2461.

Incorporating. [Stats. 1877-8, p. 221.]

TITLE 332.

NEVADA COUNTY.

ACT 2466.

Fees and mileage in criminal cases in. [Stats. 1875-6, p. 404.]

Repealed by fee bill of 1895, 267, and County Government Acts, 1897, 524, sec. 173.

ACT 2467.

Lawful fences in. [Stats. 1863-4, p. 318.]

This act extended the act of 1855 concerning lawful fences to Nevada County.

ACT 2468.

Regulating salaries of officers of. [Stats. 1877-8, p. 551.]

Repealed by County Government Acts, 1897, 524, sec. 173.

ACT 2469.

To remedy defects in certain county records. [Stats. 1871-2, p. 377.]

This act validated certain records in Nevada County which the president of the board had omitted to sign.

ACT 2470.

Indexing certain records of. [Stats. 1873-4, p. 280.]

This act provided for the manner of indexing certain deeds.

ACT 2471.

Public roads in. [Stats. 1871-2, p. 448.]

Amended 1873-4, 293; 1875-6, 423; 1877-8, 279, 364. Repealed by statute of 1883, p. 5, chap. X, sec. 2.

This act provided for the location, construction, and maintenance of public roads in Nevada County.

ACT 2472.

Nevada school district, board of education of, establishing and defining powers and duties of. [Stats. 1873-4, p. 614.]

ACT 2473.

Quarterly meetings of supervisors. [Stats. 1873-4, p. 239.]

Repealed by County Government Acts, 1897, 452.

ACT 2474.

Authorizing supervisors to remove bodies of certain deceased persons. [Stats. 1877-8, p. 104.]

TITLE 333.

ACT 2473. NEW REPUBLIC.

Name changed to Santa Rita. [Stats. 1873-4, p. 823.]

TITLE 334.

ACT 2484. NEW SAN PEDRO.

To change the name of New San Pedro to Wilmington.
[Stats. 1863, p. 328.]

NORMAL SCHOOLS.

See Schools.

TITLE 335.

NORTH BEACH AND MISSION RAILROAD COMPANY.

ACT 2489.

Granting certain privileges to. [Stats. 1871-2, p. 761.]

ACT 2490.

Granting certain privileges to. [Stats. 1877-8, p. 278.]

TITLE 336.

NORTH SAN FRANCISCO HOMESTEAD AND RAIL-
ROAD ASSOCIATION.

ACT 2495.

Authorizing sale and conveyance of lands in San Francisco to. [Stats. 1863-4, p. 482.]

This act authorized the commissioners of swamp and overflowed lands to convey certain overflowed land to this corporation.

TITLE 337.

NOTARIES.

ACT 2500.

Fresno, Tulare, and Humboldt counties, additional notaries for. [Stats. 1873-4, p. 20.]

Repealed by Political Code, sec. 791.

ACT 2501.

Additional for certain counties. [Stats. 1873-4, p. 30.]

Repealed by Political Code, sec. 791.

This act provided for additional notaries in the counties of Santa Clara, Napa, Santa Barbara, San Luis Obispo, and Sonoma.

ACT 2502.

Defining duties of. [Stats. 1871-2, p. 792.]

Supplementing act of April 25, 1862. Repealed by Political Code, sec. 791.

TITLE 332.**NOVATO CREEK.****ACT 2505.**

Declaring Novato Creek or estuary in Marin County navigable. [Stats. 1860, p. 257.]

Incorporated in Political Code, sec. 2849.

TITLE 339.**NUECES CREEK.****ACT 2506.**

Declared navigable. [Stats. 1858, p. 127.]

Incorporated in Political Code, sec. 2849.

TITLE 340.**NUISANCES.****ACT 2507.**

To prevent certain public nuisances. [Stats. 1852, p. 100.]
Superseded by Penal Code, sec. 374.

ACT 2508.

Authorizing and directing district attorneys to bring suits to abate public nuisances. [Stats. 1899, p. 103.]

TITLE 341.**OAKLAND.****ACT 2510.**

Incorporating. [Stats. 1873-4, p. 804.]

Supplementing act of April 24, 1862. Superseded by charter of Oakland, 1889, 514.

ACT 2511.

Alameda, Oakland and Piedmont Railway Company, authorizing city council of Oakland to grant certain privileges to. [Stats. 1875-6, p. 499.]

ACT 2512.

Assessor, salary of. [Stats. 1875-6, p. 148.]

Superseded by the charter of Oakland, 1889, 531, 533, secs. 40 and 44.

ACT 2513.

Providing compensation for the township assessor of the township of. [Stats. 1877-8, p. 557.]

ACT 2514.

Common council, appropriation of moneys by to certain benevolent societies. [Stats. 1877-8, p. 252.]

Superseded by charter of Oakland, 1889, 518, sec. 31, subd. 46.

This act authorized the payment from fines collected in the police court to the Oakland Benevolent Society and the Ladies' Relief Society.

ACT 2515.

To issue and sell bonds of, and with proceeds to pay and cancel certain other bonds. [Stats. 1873-4, p. 845.]

ACT 2516.

To provide for the liquidation of the floating indebtedness of the city of Oakland and to prevent the incurring of further debts. [Stats. 1873-4, p. 799.]

This act authorized the issuance of bonds not exceeding \$100,000.

ACT 2517.

To provide funds for. [Stats. 1871-2, p. 590.]

This act authorized the city council to issue bonds.

ACT 2518.

Authorizing the construction of a bridge across the estuary of San Antonio, between Eighth Street and East Ninth Street. [Stats. 1875-6, p. 653.]

ACT 2519.

Elections in, time for holding. [Stats. 1875-6, p. 64.]

Superseded by the charter of Oakland, 1889, 514.

ACT 2520.

Gas and water pipes in, laying of. [Stats. 1875-6, p. 312.]

See Charter of Oakland, sec. 31, subd. 26; also 1889, 539, secs. 70, 71.

ACT 2521.

Oakland Harbor, to facilitate the construction of a canal for. [Stats. 1875-6, p. 862.]

Amended 1877-8, 118.

ACT 2522.

Ratifying an ordinance of. [Stats. 1877-8, p. 71.]

This ordinance abandoned certain streets.

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ACT 2522.

Legalizing the ordinances of Oakland in respect to the penalties therein. [Stats. 1871-2, p. 75.]

ACT 2524.

Granting certain salt-marsh and tide-lands to. [Stats. 1873-4, p. 132.]

ACT 2525.

Superintendent of public schools, salary of, act fixing and also limiting powers of board of education. [Stats. 1875-6, p. 169.]

Amended 1877-8, 735. Superseded by the charter of Oakland, 1889, 514.

ACT 2526.

Authorizing construction of main sewers. [Stats. 1875-6, p. 896.]

Probably superseded by charter of Oakland, 1889, 514.

ACT 2527.

Streets in, opening. [Stats. 1875-6, p. 468.]

Repealed 1877-8, 619.

ACT 2528.

Opening of streets in. [Stats. 1877-8, p. 614.]

Probably superseded by the Vrooman Act, 1885, 147.

ACT 2529.

To district the city into wards. [Stats. 1875-6, p. 62.]

Amended 1877-8, 843. Superseded by sec. 6 of art. I of the charter of Oakland, 1889, 519.

ACT 2530.

Authorizing to obtain a supply of water. [Stats. 1873-4, p. 892.]

Superseded by charter, 1889, 529, 537.

ACT 2531.

Enabling city to acquire and maintain waterworks. [Stats. 1877-8, p. 427.]

Superseded by charter, 1899, 529, sec. 31, subd. 41.

TITLE 342.**ODD FELLOWS.****ACT 2536.**

Amending act relating to corporations. [Stats. 1853, p. 274.]

See note to act 632, ante.

This act authorized ten or more citizens to assume corporate powers for the purpose of erecting Odd Fellows' halls.

ACT 2637.

Independent Order of Odd Fellows, authorizing trustees to lease a lot in San Francisco. [Stats. 1877-8, p. 561.]

TITLE 343.**OFFICERS.****ACT 2542.**

Educational offices, making women eligible to. [Stats. 1873-4, p. 356.]

This act appears in full in Political Code, Appendix, p. 1103.

ACT 2543.

To secure to native-born and naturalized citizens the exclusive right to be employed in the public service. [Stats. 1901, p. 589.]

ACT 2544.

To provide for the payment by the state or counties, or cities, or cities and counties, of the premium or charge on official bonds where given by surety companies. [Stats. 1903, p. 476.]

This act appears in full in Political Code, Appendix, p. 1041.

ACT 2545.

Civil officers, removal of for violation of official duty. [Stats. 1873-4, p. 911.]

"Repealed by the constitution of 1879 and the County Government Acts. (Fraser v. Alexander, 75 Cal. 147.)"—Code Commissioners' note.

Cal.Rep.Clt. 97, 381.

ACT 2546.

Concerning confirming and ratifying leases and other contracts made by any officer or boards of officers of the state. [Stats. 1901, p. 601.]

ACT 2547.

To protect candidates for certain public offices, to prohibit certain acts by such candidates, and to provide a punishment for infractions of this law. [Stats. 1897, p. 53.]

This act appears in full in Political Code, Appendix, p. 1102.

ACT 2548.

Relating to the intoxication of officers. [Stats. 1880, p. 77.]

This act appears in full in the Penal Code, Appendix, p. 685.

ACT 2549.

To protect the wages of labor and the salaries and fees of subordinate officers. [Stats. 1871-2, p. 951.]

This act appears in full in the appendix to the Penal Code, p. 634. It made it a felony to receive or retain a portion of the wages of laborers employed upon public works or the fees or salaries allowed to subordinate officers.

ACT 2550.

Concerning officers. [Stats. 1861, p. 139.]

This act related to the signatures of ex-officio officers.

ACT 2551.

An act forbidding the employment of the inmates of state institutions in the manufacture, or production of articles, for the use of state officers, or the officers and employers of state institutions.

[Approved March 19, 1903. Stats. 1903, p. 210.]

The people of the state of California, represented in senate and assembly, do enact as follows:

Section 1. No inmate of any state institution shall be employed in the manufacture or production, of any article, intended for the private and personal use of any state officer, or officer, or employee, of any state institution; provided, that this act shall not prevent repairing of any kind nor the employment of such inmates in household or domestic work connected with such institution.

Sec. 2. All acts or parts of acts in conflict with this act, are hereby repealed.

Sec. 3. This act shall take effect on and after its passage.

ACT 2552.

An act to execute and carry into effect section three of article twenty of the constitution of the state of California.

[Approved March 23, 1901. Stats. 1901, p. 552.]

The people of the state of California, represented in senate and assembly, do enact as follows:

Section 1. Whenever any person within this state shall hold any office or position of public trust and shall have taken the oath of office prescribed by section three of article twenty of the state constitution upon entering upon such office, or shall, after his election or appointment, have offered to take such oath, it shall be unlawful

to remove such person from such office or position of public trust because such person has not complied with some or any provision of any law, charter, or regulation prescribing an additional test or qualification for such office or position of public trust, and any person who is removed or threatened with removal from any office or position of public trust under any pretense or device whatever, if the real reason be because of non-compliance with provisions requiring such additional test or qualification, shall be entitled to restrain such unlawful removal or to enforce restoration by process of injunction both prohibitory and mandatory.

Sec. 2. It shall be unlawful for any person having the power of removal from office of any public official, state or local, to remove or threaten to remove such official from his office because such official in the appointment of any person to a position of public trust under such last-named official, refuses to require any test or additional qualification than the oath referred to in section one of this act as a condition of permitting such appointee to enter upon or remain in such position of public trust; and such person making or threatening such unlawful removal from office may be restrained by prohibitory and mandatory injunction from effecting such removal under any pretense or device if the real reason of such removal or threatened removal be or was such as herein declared unlawful.

Sec. 3. This act shall take effect immediately.

TITLE 344.

OIL.

ACT 2556.

An act to prevent injury to oil or petroleum-bearing strata or formations by the infiltration or intrusion of water therein.

[Approved March 24, 1903. Stats. 1903, p. 399.]

The people of the state of California, represented in senate and assembly, do enact as follows:

Section 1. It shall be the duty of the owner of any well that may be drilled in the state of California on lands producing or containing oil or petroleum, to properly case such well with metal casing, in accordance with the best approved methods, landing the casing in the clay or

other water-impervious strata or formation immediately underlying the surface water-bearing sands or strata, and also to, if the well be drilled to a sufficient depth, land the casing in the clay or other water-impervious strata or formation underlying such oil or petroleum-producing or bearing sands or strata, and effectually shut off all water overlying and underlying the oil or petroleum-producing or bearing sands or strata, and effectually prevent any water from penetrating such oil or petroleum-producing or bearing sands or strata.

Sec. 2. It shall be the duty of the owner of any well referred to in section one of this act, before abandoning same, to withdraw the casing therefrom and securely fill such well with clay, earth or mortar, or other good and sufficient materials, used alone or in suitable combination and thoroughly packed and tamped in the well, to a point one hundred feet above the upper oil or petroleum-bearing or producing sand or strata, and while withdrawing the casing therefrom, and effectually shut off and exclude all water underlying and overlying such oil or petroleum-bearing or producing sand or strata from penetrating such sand or strata.

Sec. 3. The term "owner" as herein used shall mean and include each and every person, persons, copartnership, partnership, association or corporation owning, managing, operating, controlling or possessing any well mentioned in sections one and two of this act, either as principal or principals, lessee or lessees of such principal or principals, and their and each of their employees; the term "oil or petroleum-producing or bearing sand or strata" as herein used shall mean and include any bed, seam or stratum of rock or sand or other material which contains, includes or yields earth oil, rock oil, or petroleum oil or natural gas or either of them.

Sec. 4. Any violation of the provisions of this act shall be deemed a misdemeanor.

TITLE 345.

ACT 2561.

OLEOMARGARINE.

To prevent sale of as butter. [Stats. 1877-8, p. 535.]

"Probably repealed by 1883, 20; if not, it is superseded by 1895, 41, chap. CCCLXXXI, and 1897, 65, chap. LXXV."—Code Commissioners' note.

ACT 2562.

To prevent the sale of as butter. [Stats. 1883, p. 20.]

"Probably repealed by 1895, 41, and 1897, 65."—Code Commissioners' note.

This act appears in full in Penal Code, Appendix, p. 638.

TITLE 346.

OLIVE OIL.

ACT 2567.

To regulate the sale of olive oil. [Stats. 1891, p. 46.]

Repealed 1892, 211.

This act appears in full in the Appendix to the Penal Code, p. 640.

ACT 2568.

To regulate the sale of imitation olive oil. [Stats. 1893, p. 210.]

This act appears in full in the appendix to the Penal Code, p. 638.

TITLE 347.

OPTOMETRY.

ACT 2573.

An act to regulate the practice of optometry and for the appointment of a board of examiners in the matter of said regulation.

[Approved March 20, 1903. Stats. 1903, p. 285.]

The people of the state of California, represented in senate and assembly, do enact as follows:

Section 1. The practice of optometry is defined as follows, namely: The employment of subjective and objective mechanical means to determine the accommodative and refractive states of the eye and the scope of its functions in general.

Sec. 2. It shall be unlawful for any person to practice optometry in the state of California unless he shall first have obtained a certificate of registration and filed the same, or a certified copy thereof, with the clerk of the county of his residence, all as hereinafter provided.

Sec. 3. There is hereby created a board, whose duty it shall be to carry out the purposes and enforce the provisions of this act, and shall be styled the California State Board of Examiners in Optometry. Said board shall be

appointed by the governor as soon as practicable after the passage of this act, and shall consist of three persons engaged in the actual practice of optometry, and residing in the state of California. Each member of said board shall hold office for a term of four years, and until his successor is appointed. Appointments to fill vacancies caused by death, resignation or removal, shall be made for the residue of such term by the governor. The members of said board, before entering upon their duties, shall respectively take and subscribe to the oath required to be taken by other officers, and filed with the clerk of the county in which said member resides, and said board shall have a common seal.

Sec. 4. Said board shall choose at its first regular meeting, and annually thereafter, one of its members president, and one secretary thereof, who severally shall have the power during their term of office to administer oaths and take affidavits, certifying thereto under their hand and the seal of the board. Said board shall meet at least once in each year at the state capitol, and in addition thereto, whenever and wherever the president and secretary thereof shall call a meeting; a majority of said board shall at all times constitute a quorum. The secretary of said board shall keep a full record of the proceedings of said board, which records shall at all reasonable times be open to public inspection.

Sec. 5. Every person before beginning to practice optometry in this state, after the passage of this act, shall pass an examination before said board of examiners. Such examination shall be confined to such knowledge as is essential to the practice of optometry. Any person having signified to said board his desire to be examined by them shall appear before them at such time and place as they may designate, and before beginning such examination shall pay to the secretary of said board, for the use of said board, the sum of ten dollars, and if he shall successfully pass such examination, shall pay to said secretary, for the use of said board, a further sum of five dollars on the issuance to him of a certificate. All persons successfully passing such examination shall be registered in the board register, which shall be kept by said secretary, as licensed to practice optometry, and shall also receive a certificate of such registration, to be signed

by the president and secretary of said board, which shall be filed as hereinbefore provided.

Sec. 6. Every person who is actually engaged in the practice of optometry in the state of California, at the time of the passage of this act, shall, within six months thereafter, file an affidavit in proof thereof with said board, who shall make and keep record of such person, and shall, in the consideration of the sum of five dollars, issue to him a certificate of registration.

Sec. 7. All persons entitled to a certificate of registration under the full provisions of section six, shall be exempt from the provisions of section five of this act.

Sec. 8. Recipients of said certificate of registration shall present the same for record to the clerk of the county in which they reside, and shall pay a fee of fifty cents to the clerk for recording the same. Said clerk shall record said certificate in a book to be provided by him for that purpose. Any person so licensed removing his residence from one county to another in this state shall, before engaging in the practice of optometry in such other county, obtain from the clerk of the county in which said certificate of registration is recorded, a certified copy of such record, or else obtain a new certificate of registration from the board of examiners, and shall, before commencing practice in such county file the same for record with the clerk of the county to which he removes, and pay the clerk thereof for recording the same, a fee of fifty cents. Any failure, neglect or refusal on the part of the person holding such certificate or copy of record to file the same for record, as hereinbefore provided, for six months after the issuance thereof, shall forfeit the same. Such board shall be entitled to a fee of one dollar for the reissue of any certificate, and the clerk of any county shall be entitled to a fee of one dollar for making and certifying a copy of the record of any such certificate.

Sec. 9. Any person entitled to a certificate, as provided for in section six of this act, who shall not within six months after the passage thereof make written application to the board of examiners for a certificate of registration, accompanied by a written statement, signed by him, and duly verified before an officer authorized to administer oaths within this state, fully setting forth the

grounds upon which he claims such certificate, shall be deemed to have waived his right to a certificate under the provisions or refusal on the part of any person holding such certificate under the provisions of such section. Any failure, neglect or refusal on the part of any person holding such certificate to file the same for record, as hereinbefore provided, for six months after the issuance thereof, shall forfeit the same.

Sec. 10. Every person to whom a certificate of examination or registration is granted shall display the same in a conspicuous part of his office wherein the practice of optometry is conducted.

Sec. 11. Out of the funds coming into the possession of said board, each member thereof may receive, as compensation, the sum of five dollars for each day actually engaged in the duties of his office, and mileage at three cents per mile for all distance necessarily traveled in going to and coming from the meetings of the board. Said expenses shall be paid from the fees and assessments received by the board under the provisions of this act, and no part of the salary or other expenses of the board shall ever be paid out of the state treasury. All moneys received in excess of said per diem allowance and mileage, as above provided for, shall be held by the secretary as a special fund for meeting expenses of said board and carrying out the provisions of this act, and he shall give such bonds as the board shall from time to time direct, and the said board shall make an annual report of its proceedings to the governor on the first Monday in January of each year, which report shall contain an account of all moneys received and disbursed by them pursuant to this act.

Sec. 12. Every registered optometrist who desires to continue the practice of optometry in this state shall annually on such date as the board of optometry may determine, pay to the secretary of said board a registration fee to be fixed by the board, but which shall in no case exceed the sum of two dollars per annum, for which he shall receive a renewal of said registration; and in case of default in such payment, by any person, his certificate may be revoked by the board of examiners, under twenty days' notice of the time and place of considering such revocation. But no certificate shall be revoked for such

non-payment if the person so notified shall pay before or at such time of consideration his fee and such penalty as may be imposed by said board; provided, that said board may impose a penalty of five dollars and no more on any one person so notified, as a condition of allowing his certificate to stand; provided, further, that said board of examiners may collect any such fees by suit.

Sec. 13. Said board shall have power to revoke any certificate of registration granted by it under this act for conviction of crime, habitual drunkenness for six months immediately before a charge to be made, gross incompetency, or contagious or infectious disease; provided, that before any certificate shall be so revoked, the holder thereof shall have notice in writing of the charge or charges against him, and at a day specified in said notice, at least five days after the service thereof, be given a public hearing, and have opportunity to produce testimony in his behalf and to confront the witnesses against him. Any person whose certificate has been so revoked, may, after the expiration of ninety days, apply to have the same regranted, and the same shall be regranted him, upon a satisfactory showing that the disqualification has ceased.

Sec. 14. Any person who shall violate any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction, shall be fined not less than twenty dollars, nor not more than one hundred dollars, or to be confined not less than one month, nor more than three months in the county jail, and in default of payment of said fine shall be imprisoned in the county jail at the rate of one day for every two dollars of the fine so imposed. And all fines thus received shall be paid into the common school fund of the county in which such conviction takes place.

Sec. 15. Justices of the peace and the respective municipal courts shall have jurisdiction of violations of this act. It shall be the duty of the respective district attorneys to prosecute all violations of this act.

Sec. 16. Nothing in this act shall be construed to apply to physicians and surgeons authorized to practice under the laws of the state of California, nor to persons who sell spectacles or eye-glasses in the ordinary course of trade, and who do not attempt to employ subjective and

objective mechanical means to determine the accommodative and refractive states of the eye.

Sec. 17. This act shall take effect and be in force from and after its passage.

TITLE 348.

ORANGE COUNTY.

ACT 2578.

To create the county of Orange, to define the boundaries thereof, to determine the county seat by an election, and to provide for its organization and election of officers, and to classify said county. [Approved March 11, 1889. Stats. 1889, p. 123.]

TITLE 349.

ORDINANCES.

ACT 2583.

An act to require ordinances and resolutions passed by the city council or other legislative body of any municipality to be presented to the mayor or other chief executive officer of such municipality for his approval. [Approved March 27, 1897. Stats. 1897, p. 190.]

Cal.Rep.Cit. 123, 460.

Unconstitutional as to cities having charters. *Morton v. Broderick*, 118 Cal. 486.

The people of the state of California, represented in senate and assembly, do enact as follows:

Section 1. Every ordinance and every resolution of the city council of any municipality providing for any specific improvement, or the granting of any franchise, or other privilege, or affecting real property interests, or the expenditure of more than one hundred dollars of the public moneys, or levying tax or assessment, or establishing rates for artificial light, and every ordinance or resolution imposing a duty or penalty, which shall have passed the city council, shall, before it takes effect, be presented to the mayor for his approval. The mayor shall return such ordinance or resolution to the city council within ten days after receiving it. If he approve it he shall sign it, and it shall then take effect. If he disapprove it he shall specify his objections thereto in writing. If he do not return it with such disapproval within the time above specified, it shall take effect as if he had approved it. The

objections of the mayor shall be entered at large on the journal of the city council, and the city council shall cause the same to be immediately published. The city council shall, after five, and within thirty days after such ordinance or resolution shall have been returned with the mayor's disapproval, reconsider and vote upon the same; and if the same shall, upon reconsideration, be again passed by the affirmative vote of not less than three fourths of all the members, the presiding officer shall certify that fact on the ordinance or resolution, and when so certified, it shall take effect as if it had received the approval of the mayor; but if the ordinance or resolution shall fail to receive upon the first vote thereon after its return with the mayor's disapproval, the affirmative votes of three fourths of all the members, it shall be deemed finally lost. The vote on such reconsideration shall be taken by ayes and noes, and the names of the members voting for or against the same shall be entered in the journal; provided, that the provisions of this section shall not apply to cities in which the mayor is a member of the city council, or other governing body.

Sec. 2. The word "municipality," and the word "city," as used in this act, shall be understood and so construed as to include, and is hereby declared to include, all corporations heretofore organized and now existing, and those hereafter organized, for municipal purposes.

Sec. 3. The term "city council" is hereby declared to include any body or board which, under the law, is the legislative department of the government of any city.

Sec. 4. In municipalities in which there is no mayor, then the duties imposed upon said officer by the provisions of this act shall be performed by the president of the board of trustees, or other chief executive officer of the municipality.

Sec. 5. This act shall take effect and be in force from and after its passage, and all acts and parts of acts in conflict with this act are hereby repealed.

TITLE 350.

OROVILLE.

ACT 2588.

To supply the town of Oroville with water for fire purposes. [Stats. 1877-8, p. 796.]

TITLE 351.

ORPHAN ASYLUM.

ACT 2593.

Appropriation for relief of. [Stats. 1871-2, p. 903.]
Apparently superseded by 1880, 13.

ACT 2594.

In relation to the care of orphan and abandoned children,
[Stats. 1873-4, p. 297.]

Amended 1877-8, 72.

This act required the quarterly publication of the names of children admitted and also provided as to what constituted an abandonment of children.

ACT 2595.

Appropriating money for support of orphans, half orphans, and abandoned children. [Stats. 1880, p. 13.]

Amended 1883, 57.

ACT 2596.

To authorize managers of orphan asylums to give their consent to the adoption of certain children under their care. [Approved April 1, 1878. Stats. 1877-8, p. 963.]

Amended 1895, 39.

See Civil Code, sec. 224.

ACT 2597.

To provide for the appointment of guardians of children in orphan asylums maintained in any orphans' home or orphan asylum in this state. [Stats. 1893, p. 203.]

This act appears in full in Civil Code, Appendix, p. 723.

TITLE 352.

OSTEOPATHY.

ACT 2602.

An act to regulate the practice of osteopathy in the state of California, and to provide for a state board of osteopathic examiners, and to license osteopaths to practice in this state, and punish persons violating the provisions of this act.

[Became a law under constitutional provision without governor's approval, March 9, 1901. Stats. 1901, p. 113.]

The people of the state of California, represented in senate and assembly, do enact as follows:

Section 1. That any person practicing osteopathy in this state shall possess the qualifications required by this act.

Sec. 2. The Osteopathic Association of the State of California, incorporated under the laws of the state of California, shall appoint a board of examiners as soon as possible after the passage of this act, to be known as the state board of osteopathic examiners. This board shall consist of five (5) qualified practicing resident osteopaths, each of whom shall be a graduate of a legally authorized college of osteopathy. Each member of said board shall serve thereon for a term of two years, and until his successor is appointed, except in case of the first board, on which two (2) members shall serve for two (2) years, and three (3) for three years, as specified in their appointment. In case of a vacancy by death or otherwise, there shall be appointed in like manner a person to serve through such unexpired term.

Sec. 3. Said board of osteopathic examiners shall elect a president, secretary, and treasurer, and shall have a common seal, and its president and secretary shall have power to administer oaths. Said board shall hold meetings for examination at the state capitol, or at some regularly conducted and legally authorized college of osteopathy, within the state, on the third Tuesday of February and July of each year, and such other meetings as may be deemed necessary, each session thereof not to exceed three days, and shall issue a certificate of qualification to all applicants having a diploma, or who pass the required examinations, as provided by section four (4) of this act; said certificate shall be signed by the president and secretary of said board, and attested by its seal, and shall be conclusive as to the rights of the lawful holder of the same to practice osteopathy in this state. Said board shall keep a record of all its proceedings, and also a register of all applicants for a license, together with his or her name and age and time spent in the study and practice of osteopathy, and of the name and location of the college of osteopathy from which said applicant holds a diploma, and shall keep a register which shall show the names of all applicants licensed, or that are rejected under this act.

Sec. 4. It shall be unlawful for any person to practice

osteopathy in this state without a license from said board. All persons practicing osteopathy within this state prior to the passage of this act and holding a diploma from a legally authorized college of osteopathy, of good repute, may be licensed to practice osteopathy in this state, by submitting to said board of osteopathic examiners such a diploma, and satisfying such board that they are the legal holders thereof, or by undergoing an individual examination in the following branches, to wit: Anatomy, physiology, chemistry, histology, pathology, gynecology, obstetrics, and theory and practice of osteopathy, and such other branches as the board shall deem advisable.

All persons, after August first, nineteen hundred and one, desiring to commence the practice of osteopathy in this state, shall apply to said board for a license to do so, and such applicant at the time and place designated by said board, or at a regular meeting of said board, shall submit a diploma from a legally incorporated college of osteopathy, recognized by the board of examiners. Having complied with the requirements of this act, said board shall grant a license to such applicant to practice osteopathy in the state of California, which license shall be granted by the consent of not less than three members of said board and attested by the seal thereof. For the support and maintenance of said board the fee for such examination and license shall be ten (\$10) dollars, not returnable, which shall be paid in advance to the treasurer of said board, and shall be applied by said board to defray all the expenses thereof.

Sec. 5. The certificate provided for in section four (4) of this act shall not authorize the holder thereof to prescribe or use drugs, nor to perform major surgery.

Sec. 6. The person receiving said license shall have it recorded in the office of the county clerk of the county in which he or she intends to practice, and the record shall be indorsed thereon. In case a person so licensed shall remove to another county to practice, the holder shall record his license in like manner in the county to which he or she removes.

Sec. 7. Any person practicing osteopathy within the state without first having obtained the license herein provided for, or contrary to the provisions of this act, or who, for the purpose of obtaining such license, shall

falsely represent himself or herself to be the holder of a diploma as herein provided, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than fifty (\$50) dollars, nor more than one hundred (\$100) dollars, or by imprisonment in the county jail for a period of not more than ninety days for each and every such offense.

Sec. 8. Any such certificate may be revoked by said board upon satisfactory proof of fraud or misrepresentation in procuring the same, or for any violation of the provisions of the certificate, or any gross immorality by the holder thereof.

Sec. 9. The system, method, and science of treating diseases of the human body, commonly known as osteopathy, is hereby declared not to be the practice of medicine or surgery, within the meaning of an act entitled "An act to regulate the practice of medicine in the state of California," approved April third, eighteen hundred and seventy-six, or any of the acts amendatory thereof.

Sec. 10. This act shall take effect and be in force from and after its passage.

TITLE 353.

OYSTERS.

ACT 2607.

Concerning oysters. [Stats. 1851, p. 432.]

Continued in force by codes,—Penal Code, sec. 23, Political Code, sec. 19,—and later repealed, Stats. 1873-4, 941.

ACT 2608.

Concerning oyster beds. [Stats. 1865-6, p. 848.]

Repealed 1873-4, 940.

ACT 2609.

Encouraging planting and cultivation of. [Stats. 1873-4, p. 940.]

TITLE 354.

PARIS GREEN.

ACT 2614.

An act to prevent fraud in the sale of Paris green used as an insecticide.

[Became a law under constitutional provision without governor's approval, February 28, 1901. Stats. 1901, p. 69.]

The people of the state of California, represented in senate and assembly, do enact as follows:

Section 1. It shall be the duty of each and every manufacturer of Paris green (commercial aceto-arsenite of copper) to be used as an insecticide within this state, and of every dealer in original packages of said Paris green manufactured outside of this state, before the said Paris green is offered or exposed for sale, or sold within this state as an insecticide, to submit to the director of the California agricultural experiment station at Berkeley, samples of said Paris green, and a written or printed statement setting forth: First, the brands of said Paris green to be sold, the number of pounds contained in each package in which it is put on the market for sale, the name or names of the manufacturers and the place of manufacturing the same; second, the statement shall set forth the amount of combined arsenic which the said Paris green contains, and the statement so furnished shall be considered as constituting a guarantee to the purchaser that every package of such Paris green contains not less than the amount of combined arsenic set forth in the statement.

Sec. 2. Every purchaser of said Paris green in original packages, which is manufactured outside of this state, who intends to sell or expose the same for sale, and every manufacturer of said Paris green within this state, shall, after filing the statement above provided for, with the director of the California agricultural experiment station at Berkeley, receive from the said director a certificate stating that he has complied with the foregoing statement, which certificate shall be furnished without charge therefor; said certificate when furnished shall authorize the party when receiving the same to deal in this state in the said Paris green. Any person who fails to comply with the terms of section one of this act shall not be entitled to such certificate and shall not be entitled to deal in said Paris green within this state. Nothing in this section shall be construed as applying to retail dealers selling said Paris green which has already been labeled and guaranteed.

Sec. 3. Paris green, when sold, offered or exposed for sale, as an insecticide, in this state, shall contain at least fifty per centum of arsenious oxide and shall not contain

more than four per centum of the same in the uncombined state.

Sec. 4. The director of the California state agricultural station at Berkeley shall examine or cause to be examined different brands of Paris green sold, offered or exposed for sale within the state, and cause samples of the same to be analyzed, and shall report results of analyses forthwith to the secretary of the state board of horticulture and to the party or parties submitting said samples, and such report shall be final as regards its quality.

Sec. 5. Any person or persons, firm, association, company or corporation violating any of the provisions of this act, and any person who shall sell any package of Paris green or any part thereof which has not been labeled as herein provided, shall be guilty of a misdemeanor, and shall be fined not less than fifty dollars nor more than two hundred dollars, together with the costs of the suit in an action caused to be brought by the state board of horticulture through its secretary in the name of the people of the state of California.

Sec. 6. The attorney-general of the state of California is charged with the prosecution of all such suits.

Sec. 7. This act shall take effect immediately.

TITLE 355.

PAROLE COMMISSIONERS.

ACT 2610.

To establish board of parole commissioners for the parole of and government of paroled prisoners. [Stats. 1893, p. 183.]

Amended 1901, 82.

This act appears in full in Penal Code, Appendix, p. 721.

TITLE 356.

PARTNERSHIPS.

ACT 2624.

To authorize the formation of special partnerships. [Stats. 1869-70, p. 123.]

Superseded by Civil Code, secs. 2477-2485.

TITLE 357.

PAUPERS.

ACT 2626.

To provide for the indigent sick in the counties of this state. [Stats. 1855, p. 67.]

Probably repealed by the County Government Act. See Power v. May, 123 Cal. 147, 150. Compare the act of 1901, 636, to provide for the maintenance and support of indigent, incompetent, and incapacitated persons.

ACT 2630.

Appropriation for support of aged persons in indigent circumstances. [Stats. 1883, p. 380.]

Repealed 1895, 23.

This act provided for a per capita appropriation for persons maintained in institutions.

ACT 2631.

An act to provide for the maintenance and support, in certain cases, of indigent, incompetent, and incapacitated persons (other than persons adjudged insane and confined within state hospitals), becoming a public charge upon the counties or cities and counties within the state of California, and for the payment thereof into a fund for the maintenance and support of such persons.

[Approved March 23, 1901. Stats. 1901, p. 636.]

The people of the state of California, represented in senate and assembly, do enact as follows:

Section 1. Every county and every city and county shall relieve and support all pauper, incompetent, poor, indigent persons and those incapacitated by age, disease, or accident, lawfully resident therein, when such persons are not supported and relieved by their relatives or friends, or by their own means, or by state hospitals or other state or private institutions.

Sec. 2. The term residence as used in this act shall be taken to mean and shall be considered to mean the actual residence of each of such persons, or the place where each such person was employed, or in case such person was in no employment, then it shall be considered and held to be the place where such person made his or her home, or his or her headquarters.

Sec. 3. Every person, firm or corporation, or the officers, agents, servants, or employees of any person, firm or corporation, bringing into or leaving within, or procuring the bringing into or the leaving within, or aiding in the bringing into or the leaving within, of any pauper or poor or indigent or incapacitated or incompetent person as hereinbefore mentioned, in any county or city and county in

the state of California, wherein such person is not lawfully settled or not lawfully residing as herein defined, knowing him to be such pauper, poor, indigent, or incapacitated or incompetent person, shall be guilty of a misdemeanor.

Sec. 4. If any person shall become chargeable as a pauper, or poor, or indigent, or incapacitated, or incompetent person as herein designated, in any county, or city and county, who did not reside therein (as herein specified) at the commencement of three months immediately preceding his becoming so chargeable, but did at that time reside (as herein specified) in some other county, or city and county in this state, it shall be the duty of the county clerk of said first-mentioned county or city and county to send written notice by mail or otherwise to the county clerk of the county or city and county in which such person so resided, requesting the proper authorities of such county or city and county to remove such person forthwith, and to pay the expenses accruing or to accrue, in taking care of such person; and such county or city and county, wherein such person resided at the commencement of the three months immediately preceding such person's becoming chargeable as a poor, indigent, or incapacitated, or incompetent person as herein designated, shall pay to the county or city and county so taking care of such person all reasonable charges for the same, and such amount may be recovered by suit in any court of competent jurisdiction by such county or city and county.

Sec. 5. It shall be the duty of the superintendent of any county hospital or almshouse in any county or city and county in this state, or his subordinates, immediately upon receiving any person into such hospital or almshouse as a public charge, such person being poor, indigent, or incapacitated, or incompetent as herein defined, or any registrar of charities or of any charity supported by public funds or aided in part by public funds, aiding such person, to make diligent inquiry into the ability of such person or of his relatives as hereinafter mentioned to bear the actual charges and expenses of the maintenance and support of such person, and to forthwith notify the district attorney of such county or city and county, or the city and county attorney thereof, and the board of supervisors of such county or city and county, of the result of such inquiry.

Sec. 6. In case such person shall be or shall thereafter become the owner of property, real, personal, or mixed, it shall be the duty of the district attorney of the county, or city and county, or the city and county attorney thereof, in which such person shall become a public charge, in whole or in part, to cause the entire or partial support as hereinafter provided to be fixed, of such person to be made out of such property, and to that end shall procure by suit or otherwise the assignment and payment for such purpose of all annuities and pensions; and in case such person shall be incompetent or a minor, within the provisions of the codes relating to the guardianship of the persons and estates of incompetent persons and minors, it shall be the duty of the district attorney of such county, or city and county, or the city and county attorney thereof, to apply to the proper court for the appointment of a general guardian of the person and estate, or either, of such person or minor. Such application and appointment shall be made in the manner as provided by the codes of this state for the application for the appointment of guardians of infants and incompetent persons, and all proceedings thereunder, except as herein expressly declared otherwise, shall be in accordance with such provisions of said codes, and the public support of such minor or such incompetent shall be deemed one of the grounds for which an application may be made on behalf of such person for the sale of his property, as in the Code of Civil Procedure provided. From the proceeds of the property of said person or from such other funds as such guardian may obtain, or from such funds as the district attorney of the county, or the city and county, or the city and county attorney thereof, may be able to collect, there shall be paid into the county treasury of the county, the sum per month fixed by the board of supervisors of such county or city and county, quarterly in advance, for the maintenance and support of any such person or pauper; and there shall also be paid out of the proceeds of such sale or such other funds, such clothing and other supplies as may have been furnished to such person or pauper.

If any pauper, indigent, poor, incompetent or incapacitated person has kindred of the degree of husband, wife, children (other than minors), father or mother, brother or sister, grand-children, or grand-parents living within this

state, of sufficient pecuniary ability, such kindred in the order above named shall support such person by paying into the county treasury of such county, the sum per month fixed on by the board of supervisors, quarterly in advance, for the maintenance and support of such pauper, indigent, poor, incompetent or incapacitated person, and shall in the order above named, also pay for the clothing and other supplies, if any, furnished to such person. And if it shall be that the relatives liable as aforesaid are not of sufficient ability wholly to maintain such poor person or pauper, but are able to contribute something, they shall be required to pay a sum in proportion to their ability.

Sec. 7. Upon the failure on the part of said kindred to perform such duty, an action shall be brought by the district attorney of the county or the city and county, or the city and county attorney thereof, in the name of the county or city and county, against said kindred in the order above named. And such action shall be prosecuted as are all other actions for the recovery of money in this state.

Sec. 8. If there be in the hands of any guardian of any such person or in the hands of any officer of said county upon the discharge or death of said person, any funds, the same shall be refunded after the payment of all the claims of the said county or city and county thereon and of the funeral expenses, in case of death of such person.

Sec. 9. All moneys derived in accordance with the provisions of this act shall be paid into such fund of the county or city and county as is used for the support and furtherance of the care of the persons herein referred to.

Sec. 10. This act shall take effect immediately.

TITLE 358.

PAWNBROKERS.

ACT 2636.

To define the duties and liabilities of pawnbrokers and pledgees. [Stats. 1861, p. 184.]

Amended 1869-70, 820; 1871-2, 102. Superseded by Penal Code, secs. 338-343.

TITLE 359.

PENSIONS.

ACT 2641.

Authorizing county clerks to take affidavits for pension claimants without payment of fees or compensation. [Stats. 1887, p. 81.]

This act appears in full in Political Code, Appendix, pp. 1042, 1043.

TITLE 360.

PEST HOUSES.

ACT 2646.

To prevent the establishment of pest houses within the limits of any town or city. [Stats. 1853, p. 35.]

Superseded by Penal Code, sec. 873.

TITLE 361.

PETALUMA.

ACT 2651.

Reincorporating. [Stats. 1873-4, p. 703.]

Amending and supplementing act of March 27, 1868. Repealed 1873-4, 865.

ACT 2652.

Reincorporating. [Stats. 1867-8, p. 383.]

Amended 1871-2, 48; 1873-4, 23, 357, 703, 865; 1875-6, 288. Superseded in 1884 by incorporating under the statute of 1882.

ACT 2653.

Powers and duties of board of education of. [Stats. 1871-2, p. 5.]

Sections 5 and 15 amended, and sections 16 and 17 repealed, 1875-6, 121. Two sections numbered 16 and 17 added, 1877-8, 291. This city was reincorporated in 1884 under the statute of 1883.

ACT 2654.

Providing a system of sewerage for. [Stats. 1877-8, p. 436.]

Superseded by incorporating, in 1884, under Municipal Corporation Act of 1883.

ACT 2655.

To widen English Street, and to take private lands therefor. [Stats. 1875-6, p. 473.]

TITLE 362.

PETALUMA CREEK.

ACT 2660.

Erection and maintenance of a drawbridge across, by the trustees of Petaluma, act authorizing. [Stats. 1875-6, p. 726.]

ACT 2661.

To improve the navigation of. [Stats. 1859, p. 214.]

Amended 1865-6, 525.

TITLE 363.

PHARMACY.

ACT 2666.

To regulate the practice of pharmacy and sale of poisons in the state of California. [Approved March 11, 1891. Stats. 1891, p. 86.]

Amended 1893, 68. Repealed 1901, 304.

ACT 2667.

An act to regulate the practice of pharmacy and sale of poisons in the state of California.

[Approved March 15, 1901. Stats. 1901, p. 299.]

The people of the state of California, represented in senate and assembly, do enact as follows:

Section 1. From and after the passage of this act it shall be unlawful for any person to manufacture, compound, sell, or dispense any drug, poison, medicine or chemical for medicinal use, or to dispense or compound any prescription of a medical practitioner, unless such person be a registered pharmacist or a registered assistant pharmacist within the meaning of this act, except as hereinafter provided. Every store, dispensary, pharmacy, laboratory or office for the sale, dispensing or compounding of drugs, medicines or chemicals for medicinal use, or for the dispensing of prescriptions of medical practitioners, shall be in charge of a registered pharmacist. A registered assistant pharmacist may be left in charge of a store, dispensary, pharmacy, laboratory or office for the sale, dispensing, or compounding of drugs, medicines or chemicals for medicinal use or for the dispensing of prescriptions of medical practitioners only during the temporary absence of the registered pharmacist. Any person violating any of the

provisions of this section shall be guilty of a misdemeanor, and upon conviction thereof shall be liable to a fine not exceeding one hundred (100) dollars, or to an imprisonment for a term not exceeding fifty (50) days, or to both such fine and imprisonment.

Sec. 2. Any person in order to be a registered pharmacist must be a licentiate in pharmacy, or a practicing pharmacist.

Sec. 3. Licentiates in pharmacy are persons who have had four years' experience in stores where the prescriptions of medical practitioners are compounded, and shall have passed an examination before the state board of pharmacy, or who shall present satisfactory credentials of their attainments to the said board. Practicing pharmacists are persons who, at the passage of this act, are registered pharmacists.

Sec. 4. Every pharmacist claiming the right of registration under this act shall, on or before the first day of July, next after its passage, forward to the board of pharmacy satisfactory proof that he was a duly registered pharmacist under the provisions of an act to regulate the practice of pharmacy or sale of poisons in the state of California, approved March eleventh, eighteen hundred and ninety-one, and engaged in the business of preparing and dispensing medicines and physicians' prescriptions at the time, or that he is otherwise entitled to registration under its provisions. The board of pharmacy shall then issue to said applicant, on his paying the sum of two (2.00) dollars, a certificate of registration. Any practicing pharmacist failing to comply with the requirements of this section within sixty days from and after the first day of July, nineteen hundred and one, shall forfeit his right to registration, and shall appear for examination as provided for in this act.

Sec. 5. Every assistant pharmacist claiming right of registration under this act, without passing an examination by the board of pharmacy, shall, on or before the first day of July next after the passage, forward to the board of pharmacy satisfactory proof that he has had five years' experience in drug stores where physicians' prescriptions are prepared. The board of pharmacy shall then issue to said applicant, upon his paying the sum of one (1.00) dollar, a certificate of registration as assistant pharma-

cist. Any assistant failing to comply with the requirements of this section within sixty (60) days from and after the first day of July, nineteen hundred and one, shall forfeit his right to registration, without passing the examination provided for in this act. No registered assistant shall conduct a pharmacy, or be granted a certificate as registered pharmacist, until he has passed the examination for licentiate in pharmacy as required by this act.

Sec. 6. Within thirty (30) days after the passage of this act and every fourth year thereafter, the governor shall appoint seven competent pharmacists, residing in different parts of the state, to serve as a board of pharmacy. The members of this board shall, within thirty (30) days after their appointment, individually take and subscribe before the county clerk, in the county in which they individually reside, an oath faithfully and impartially to discharge the duties prescribed by this act. They shall hold office for the term of four (4) years, and until their successors are appointed and qualified. In case of vacancy in the board of pharmacy, the governor shall fill the same by appointing a member to serve for the remainder of the term only. The office of said board shall be located in San Francisco. The board shall organize by electing a president and a secretary, the latter to be ex-officio treasurer of the board. Four members of the board shall constitute a quorum. They shall meet at least quarterly, and have power to make by-laws for the proper fulfillment of their duties. The duties of the board shall be to transact all business pertaining to the legal regulations of the practice of pharmacy; to investigate all complaints respecting non-compliance with or violations of the provisions of this act, and to cause the prosecution of all persons whenever there appears to the board to be reasonable grounds for such action, and to examine and register as pharmacists or assistant pharmacists all applicants whom it shall deem qualified to be such respectively. All persons on applying for examination or registration shall pay to the secretary a fee of five (5.00) dollars for licentiate and two (2.00) dollars for assistants, and on passing the examination they shall be furnished with a certificate signed by the secretary and examiners. Every registered pharmacist who desires to continue the practice of his profession in this state shall annually, on such date as the board of phar-

macy may determine, pay to the secretary of the said board a registration fee to be fixed by the board, but which shall in no case exceed the sum of two (2.00) dollars per annum, for which he shall receive a renewal of said registration. Every registered assistant pharmacist who desires to continue the practice of his profession in this state shall, annually, on such date as the board of pharmacy may determine, pay to the secretary of said board a registration fee to be fixed by the board, but which shall in no case exceed the sum of one (1.00) dollar per annum, for which he shall receive a renewal of said registration. The board shall render an annual report of its proceedings to the governor of the state.

Sec. 7. It shall be the duty of the secretary to keep a book of registration open at the city of San Francisco, of which due notice shall be given through the public press, or by mail, in which book shall be entered, under the supervision of the board, the names, titles, qualifications, and places of business of all persons coming under the provisions of this act. The secretary shall give receipts for all money received by him, and disburse the same by order of the board for necessary expenses, taking proper vouchers therefor. The balance of said money, after paying the expenses of the board, he shall pay to the state treasurer, who shall keep it as a special fund to be used in carrying out the provisions of this act.

Sec. 8. The members of the board of pharmacy shall each be paid the sum of five (5.00) dollars per diem for every meeting of the board which they attend, and the secretary shall receive such additional compensation as the board may direct. All compensation of members, and other expenses of the board of pharmacy, shall be paid out of the examination and registration fees and fines.

Sec. 9. No person shall add to or remove from, or cause to be added to or removed from, any drug, chemical, or medicinal preparation any ingredient or material for the purpose of adulteration or substitution, or which shall deteriorate the quality, commercial value, or medicinal effect, or alter the nature or composition of such article, and no person shall knowingly sell, or offer for sale, any such adulterated, altered, or substituted drug, chemical, or medicinal preparation, without informing the purchaser of the adulteration or sophistication of the article sold, or

offered for sale. Every registered pharmacist shall file, or cause to be filed, all physicians' prescriptions compounded or dispensed in his pharmacy or store. They shall be preserved for two years, and he shall furnish a correct copy of any prescription under the order or request of the attending physician. Any person who shall willfully violate any of the provisions of this section shall be guilty of a misdemeanor, and upon conviction thereof shall be liable to all costs of the action, and for the first offense be liable to a fine not exceeding fifty (50.00) dollars, and for each subsequent offense a fine of not less than fifty (50.00) dollars, nor more than one hundred (100.00) dollars, said fines to be paid over to the board of pharmacy. On written complaint being entered against any person or persons, charging them with specific violation of any of the provisions of this act, the board of pharmacy is hereby empowered to delegate one of its members, or other suitable person, who shall have authority to inspect drugs, chemicals, or medicines, and to make a thorough investigation of the case. He shall then report the result of his investigations, and if such report justifies such action, the board shall duly cause the prosecution of the offender as provided in this act.

Sec. 10. It shall be unlawful for any person to retail any poisons enumerated in schedules "A" and "B," appended to this act, without labeling the box, bottle, or paper in which said poison is contained, with the name of the article, the word "Poison," and the name and place of business of the seller. Nor shall it be lawful to sell or deliver any poison named in schedules "A" and "B," unless on inquiry it is found that the person is aware of its poisonous character, and that it is to be used for a legitimate purpose. Nor shall it be lawful to sell or deliver any poison included in schedule "A" without making, or causing to be made, an entry in a book kept for that purpose only, stating the date of sale, and the name and address of purchaser, the name and quantity of the poison sold, the purpose for which it is stated by the purchaser to be required, and the name of the dispenser, said book to always be open for inspection by the proper authorities, and to be preserved for at least five years. The provisions of this section shall not apply to the dispensing of poisons when prescribed by practitioners of medicine, nor

to the sale of poisons if a single bottle or package does not contain more than an ordinary dose. Dealers shall affix to every bottle, box, parcel, or other inclosure of an original package containing any of the articles named in schedules "A" and "B" of this act, a suitable label, or brand, with the word "Poison," but they are hereby exempted from the registration of the sale of such articles when sold at wholesale, or to a registered pharmacist, or physician. Any person failing to comply with the requirements of this section shall be guilty of a misdemeanor, and upon conviction thereof shall be liable to a fine not exceeding one hundred (100.00) dollars, or imprisonment for a term not exceeding fifty (50) days, or to both such fine and imprisonment.

Sec. 11. Any person who shall attempt to procure registration for himself or any other person under this act by making or causing to be made any false representations, or who shall fraudulently represent himself to be registered, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be liable to all costs of the action and to a fine not exceeding one hundred (100.00) dollars, or imprisonment for a term not exceeding fifty (50) days, or to both such fine and imprisonment. Any person who shall permit the compounding or dispensing of prescriptions of medical practitioners in his store by persons not registered, except under the direct supervision of a registered pharmacist, or any person not registered who shall retail medicines or poisons, or chemicals for medicinal use, except in a pharmacy under the direct supervision of a registered pharmacist or a registered assistant pharmacist; and any person who shall fail to comply with the regulations of this act, shall be guilty of a misdemeanor, and upon conviction thereof shall be liable to all costs of the action and to a fine not exceeding one hundred (100.00) dollars, or imprisonment for a term not exceeding fifty (50) days, or to both such fine and imprisonment. All fines under this act shall be paid one half to the state board of pharmacy and one half to the county in which the conviction is obtained. Any person convicted of violating this act a third time shall be liable, in addition to the penalty hereinbefore mentioned, to have his registration as a pharmacist or assistant pharmacist canceled. Nothing in this act shall

apply to or interfere with the business of any practitioner of medicine who does not keep a pharmacy, open shop, or drug-store, advertised or otherwise, for the retailing of medicine or poisons, and wherein no other prescriptions are filled for regular practitioners, nor with the exclusive wholesale business of any dealer, except that portion of section ten which relates to marking or labeling certain poisons mentioned in this act. Nor shall general dealers come under the provisions of this act, in so far as it relates to the keeping for sale of proprietary medicines in original packages. Nor shall this act apply to registered or copyrighted proprietary medicines registered in the United States patent office, nor to the manufacture of proprietary remedies or the sale of the same in original packages by persons other than pharmacists.

Sec. 12. Any proprietor of a pharmacy, who, not being a registered pharmacist, shall, ninety days after this act takes effect, fail or neglect to place in charge of such pharmacy a registered pharmacist; or any such proprietor who shall by himself, or any other person, permit the compounding or dispensing of prescriptions, or the vending of drugs, medicines, or poisons, in his store or place of business, except by or in the presence and under the supervision of a registered pharmacist; or any person, not being a registered pharmacist, who shall take charge of or act as manager of such pharmacy or store, or who, not being a registered pharmacist, shall retail, compound, or dispense drugs, medicines, or poisons; or any person violating any of the provisions of this section shall be guilty of a misdemeanor, and upon conviction thereof shall be liable to all costs of the action and to a fine not exceeding one hundred (100.00) dollars or imprisonment for a term not exceeding fifty (50) days, or to both such fine and imprisonment.

Sec. 13. All persons registered under this act shall be exempt and free from jury duty.

Schedule "A."

Arsenic, corrosive sublimate, cyanide of potassium, hydrocyanic acid, wood alcohol, strychnia, cocaine, and all other poisonous vegetable alkaloids and their salts, opium and all its preparations, except those which contain less than two grains to the ounce.

Schedule "B."

Aconite, belladonna, colchicum, conium, nux vomica, savin, cantharides, phosphorus, digitalis, and their pharmaceutical preparations, croton oil, chloral, sulphate of zinc, sugar of lead, mineral acids, carbolic acid, oxalic acid, white precipitate, red precipitate, biniodide of mercury, essential oil of almonds; and all medicines or preparations, secret or proprietary, of whatsoever kind or nature, that are intended to cause abortion or miscarriage.

Sec. 14. An act entitled "An act to regulate the practice of pharmacy and sale of poisons in the state of California," approved March eleventh, eighteen hundred and ninety-one, and all parts of acts in conflict with this act, are hereby repealed.

Sec. 15. This act shall take effect immediately.

PHYSICIANS.

See title Medicine, ante.

TITLE 364.

PILOTS.

ACT 2672.

To provide for the appointment of pilots at the port of Wilmington and the bay of San Pedro, and defining their duties and compensation. [Stats. 1889, p. 416.]

TITLE 365.

PITT RIVER.

ACT 2677.

To provide for removing obstructions in. [Stats. 1901, p. 808.]

ACT 2678.

To provide for removal of obstructions in, above the mouth of Hat Creek, so as to enable salmon to reach the spawning grounds on the upper waters of said river and its tributaries. [Stats. 1880, p. 104.]

TITLE 366.

PLACER COUNTY.

ACT 2683.

Trespassing of animals in certain townships. [Stats. 1875-6, p. 542.]

Modified, if not repealed, by the stray law of 1897, 198, and 1901. 603.

ACT 2684.

Providing for location, construction, and maintenance of highways. [Stats. 1871-2, p. 142.]

Repealed 1883, 5, chap. X, sec. 2.

ACT 2685.

Providing for the location and better maintenance of roads and highways. [Stats. 1873-4, p. 833.]

Repealed 1883, 5, chap. X, sec. 2.

ACT 2686.

Roads and highways in. [Stats. 1875-6, p. 413.]

Amended 1877-8, 115. Repealed 1888, 5, chap. X, sec. 2.

ACT 2687.

Notaries public, additional for. [Stats. 1871-2, p. 33.]

Superseded by Political Code, sec. 791.

ACT 2688.

County recorder, salary of. [Stats. 1873-4, p. 702.]

Repealed 1877-8, 269.

ACT 2689.

Recorder of, fees and compensation of. [Stats. 1877-8, p. 268.]

Repealed by County Government Acts, 1897, 527, sec. 177, and fee bill of 1895, 267.

ACT 2690.

Legalizing records of. [Stats. 1863-4, p. 84.]

ACT 2691.

Consolidating offices of sheriff and tax collector, and making the sheriff ex-officio tax collector. [Stats. 1873-4, p. 709.]

Repealed by County Government Acts, see 1897, 452.

ACT 2692.

Supervisors, regulating powers of. [Stats. 1877-8, p. 197.]

Repealed by County Government Acts, see 1897, 452.

ACT 2693.

Reorganizing board of supervisors in. [Stats. 1873-4, p. 347.]

Amended and supplemented 1873-4, 775; 1875-6, 573. Act of 1873-4, 775, repealed 1875-6, 573.

TITLE 367.

PLACERVILLE.

ACT 2698.

Reincorporating. [Stats. 1863, p. 211.]

Amended 1863-4, 493; 1871-2, 431.

ACT 2699.

Raceway through, extending time for construction of.
[Stats. 1877-8, p. 83.]

ACT 2700.

Improvement of streets and sidewalks of. [Stats. 1875-6,
p. 893.]

ACT 2701.

City clerk of, to execute certain trusts. [Stats. 1873-4, p.
706.]

Repealed 1873-4, 754.

This act was passed to carry into effect the act of Congress for the relief of inhabitants of towns on the public lands.

ACT 2702.

City clerk to execute certain trusts. [Stats. 1873-4, p. 754.]

Repealed 1875-6, 328.

This act was passed to carry out the provisions of the act of Congress for the relief of inhabitants of towns upon the public lands.

ACT 2703.

Charles F. Irwin appointed a trustee to execute certain trusts. [Stats. 1875-6, p. 328.]

Amended 1877-8, 252.

This act provided for the carrying out of the grant by the United States government to the city for the benefit of the occupants.

TITLE 368.

PLUMAS COUNTY.

ACT 2708.

Fixing salary of district attorney of. [Stats. 1871-2, p.
733.]

Repealed by County Government Act, 1897, 565, sec. 206.

ACT 2709.

Concerning highways. [Stats. 1871-2, p. 65.]

Repealed 1873-4, 306.

ACT 2710.

Additional notaries in. [Stats. 1871-2, p. 304.]

Superseded by Political Code, sec. 791.

This act provided for an additional notary to reside at Mohawk Valley.

ACT 2711.

In relation to certain officers of, and to fix their compensation. [Stats. 1877-8, p. 547.]

"Repealed by County Government Acts, see 1897, 565, sec. 206; never went into effect. (Whiting v. Haggard, 60 Cal. 513; People ex rel. Orr v. Whiting, 64 Cal. 67.)"—Code Commissioners' note.

ACT 2712.

Roads in, keeping in repair. [Stats. 1875-6, p. 6.]

Superseded 1888, 5, chap. X, sec. 2.

ACT 2718.

Tax collector of, fees of. [Stats. 1873-4, p. 382.]

Repealed by County Government Acts, see 1897, 566, 572, secs. 206, 215.

TITLE 369.

PLYMOUTH.

ACT 2718.

To prevent hogs and goats from running at large in Plymouth, Amador County. [Stats. 1877-8, p. 1020.]

Probably repealed 1897, 198.

TITLE 370.

POISONS.

ACT 2723.

To regulate the sale of certain poisonous substances. [Stats. 1880, p. 102.]

This act appears in full in the Appendix to the Penal Code, p. 641. Act regulating sale of poisons, see title Pharmacy, ante.

TITLE 371.

POLICE.

ACT 2728.

To regulate the hours of service by members of the police department of cities of the first class and of cities and counties. [Stats. 1901, p. 107.]

ACT 2729.

Regulating the hours of service on regular duty by members of the police department of cities of the first class, cities and counties, cities of the first and one half class, and cities of the second class. [Stats. 1903, p. 51.]

This act appears in full in Penal Code, Appendix, p. 651.

ACT 2730.

To increase the police force of various cities, cities and counties and towns. [Stats. 1891, p. 10.]

This act appears in full in the appendix to the Penal Code, p. 650.

ACT 2731.

Providing for the compensation of chief and captain of police and police officers in cities having not less than ten thousand nor more than twenty-five thousand inhabitants. [Stats. 1893, p. 280.]

Unconstitutional. (*Darcy v. Mayor of San Jose*, 104 Cal. 642.)

ACT 2732.

To regulate the salaries of certain officers of the police department in municipalities of the first class and to provide for the appointment and salaries of other officers. [Stats. 1897, p. 72.]

Unconstitutional. (*Popper v. Broderick*, 128 Cal. 456.)

ACT 2733.

Requiring boards of commissioners having control of the police force to grant yearly vacations. [Stats. 1891, p. 47.]

This act appears in full in the Appendix to the Penal Code, p. 651.

ACT 2734.

To provide for the appointment of policemen, with the powers of peace officers, to serve upon the premises, cars or boats of railroad and steamship companies. [Stats. 1901, p. 666.]

This act appears in full in Penal Code, Appendix, p. 652.

ACT 2735.

Creating police relief, health, life insurance, and pension fund. [Stats. 1889, p. 56.]

Amended 1891, 287, 469; 1897, 52.

Cal.Rep.Cit. 80, 270; 127, 551; 134, 51.

This act appears in full in the Appendix to the Penal Code, p. 643.

TITLE 372.**POLICE COURTS.****ACT 2739.**

To provide for police courts in cities having more than

thirty and less than one hundred thousand inhabitants.
[Stats. 1885, p. 213.]

Amended 1891, 292; 1893, 41; 1895, 118.

Cal.Rep.Cit. 76, 439; 76, 442; 76, 445; 76, 447; 76, 449;
76, 450; 76, 452; 76, 454; 78, 565; 82, 341; 82, 343;
114, 334; 120, 384.

AMD'T 1891.

Cal.Rep.Cit. 109, 265.

ACT 2740.

To provide for police courts in cities having a population of fifteen thousand and under eighteen thousand inhabitants. [Stats. 1891, p. 433.]

Unconstitutional. (Ex parte Giambonini, 117 Cal. 573.)

ACT 2741.

An act to establish police courts in cities of the first and one half class, to fix their jurisdiction and provide for officers of said courts and fix the compensation of certain officers thereof.

[Became a law under constitutional provision without governor's approval, March 5, 1901. Stats. 1901, p. 95.]

Amended 1903, 320, 335.

The people of the state of California, represented in senate and assembly, do enact as follows:

Section 1. The judicial power of every city of the first and one half class shall be vested in a police court to be held therein by the city justices of such city, or one of them. Either one of said justices may hold such court, and there may be as many sessions of said court at the same time as there are city justices in such city, and it is hereby made the duty of said city justices, in addition to the duties now required of them by law, to hold said police court, as judges thereof.

Sec. 2. Said police court shall have exclusive jurisdiction of all misdemeanors punishable by fine or by imprisonment, or by both such fine and imprisonment, committed in the city where such police court is held; and in all such cases to try and determine the same, convict or acquit, pass and enter judgment and carry such judgment into execution as the case may require, according to law.

Sec. 3. The said court shall also have exclusive jurisdiction of all proceedings for violation of any ordinance of

said city, both civil and criminal, and of all actions for the collection of any licenses required by the ordinances of said city.

Sec. 4. Neither of said justices shall sit in cases in which he is a party, or in which he is interested, or where he is related to either party by consanguinity or affinity within the third degree; and in case of the sickness or inability of said justices, or either of them, either of said justices may call in any justice of the peace of the county to act in his place or stead.

Sec. 5. Each of the city justices, while acting as judge of said police court, shall have jurisdiction to issue warrants of arrest, search warrants, subpoenas, and all other processes necessary to the full and proper exercise of the powers and jurisdiction of said court; to punish persons guilty of contempt of said court; to try all charges of misdemeanor offenses committed within its jurisdiction, as well as all charges for violation of city ordinances, and render judgment therein, with full power to carry such judgment into execution.

Sec. 6. Said police court shall have a clerk for each of the judges of said court, who shall be appointed by the judge of the said court presiding in the department thereof in which the said clerk is to act, which said clerks shall hold office for the term of two years from the date of appointment. Each of said clerks shall give a bond in the sum of five thousand dollars, with at least two sureties, to be approved by the mayor, conditioned for the faithful discharge of the duties of his office. Each of said clerks shall receive an annual salary of one thousand eight hundred dollars a year, payable in equal monthly installments out of the treasury of said city, which salary shall be the full compensation for all services rendered by him. Each of the said clerks shall keep a record of the proceedings of, and issue all processes ordered by, the city justices, or either of them, or by said police court, and receive and pay into the city treasury all fines imposed by said court. They shall also render each month to the city council an exact and detailed account under oath of all fines imposed and collected, and of all fines imposed and uncollected since their last reports. They shall prepare bonds, justify bail when the amount has been fixed by either of said justices or by said police court, in cases

not exceeding one hundred dollars, and may administer and certify oaths. Said clerks shall remain at the court-rooms of said court during the business hours and during such reasonable times thereafter as may be necessary for a proper performance of their duties. Before receiving any monthly payment of salary each of said clerks shall make and file with the city auditor an affidavit that he has deposited with the city treasurer all moneys that have come into his hands, belonging to the city. Any violation of this provision shall be a misdemeanor. [Amendment approved March 20, 1903. Stats. 1903, p. 335. In effect immediately.]

Sec. 7. Said police court shall have a prosecuting attorney and an assistant prosecuting attorney, both of whom shall be appointed by the city attorney of the said city, and who shall hold office for the term of two years from the date of their appointments. Said prosecuting attorney shall receive an annual salary of eighteen hundred dollars, which shall be paid in equal monthly installments out of the treasury of said city, which salary shall be in full compensation for all services rendered by him. Said assistant prosecuting attorney shall receive an annual salary of eighteen hundred dollars, which shall be paid in equal monthly installments out of the treasury of said city, which salary shall be in full compensation for all services rendered by him. It shall be the duty of said prosecuting attorney and said assistant prosecuting attorney to attend the sessions of said police court and conduct on behalf of the people all prosecutions for public offenses of which said court has jurisdiction. [Amendment approved March 20, 1903. Stats. 1903, p. 320. In effect immediately.]

Sec. 8. All fines and other moneys collected on behalf of the city in the police court shall be paid into the city treasury on the first Tuesday of each month.

Sec. 9. The city council shall furnish suitable rooms for the holding of said police court and shall also furnish the necessary dockets, blanks, stationery, and supplies for the carrying on of the business of said courts. One docket shall be styled "The City Criminal Docket," in which all the criminal business of said court shall be recorded, and each case shall be alphabetically indexed. Another docket shall be styled "The City Civil Docket," and it shall contain each and every civil case in which the city is a

party, or which is prosecuted or defended for her interest; and each case shall be properly indexed.

Sec. 10. The police court shall be always open, except upon non-judicial days, and then for such purposes only as by law permitted or required of other courts of this state.

Sec. 11. Appeals may be taken from any judgment of said police court to the superior court of the county in which such city may be located, in the same manner in which appeals are taken from the justices' courts in like cases.

Sec. 12. In all cases of imprisonment of persons convicted in said police court of any offense committed in the city, the person so to be imprisoned, or by ordinance required to labor, shall be imprisoned in the city jail, or, if required to labor, shall labor in the city.

Sec. 13. Said courts shall have a seal, to be furnished by the city.

Sec. 14. The city justices shall on the first Tuesday of each month make to the city council a full and complete report of all the cases, civil and criminal, in which the city has an interest, or which are required to be entered in the city civil docket or the city criminal docket, such report to be made upon blanks furnished by the city council and in such form as they may require.

Sec. 15. Certified transcripts of the dockets or files of said court, certified by the clerk of said court under the seal of said court, shall be evidence in any court of this state of the contents of said docket or of said files, as the case may be; and all warrants and other process issued out of said court and all acts done by said court and certified under its seal, shall have the same force and validity in any part of this state as though issued or done by any court of record of this state.

Sec. 16. This act shall take effect and be in force from and after its passage.

ACT 2742.

An act to establish police courts in cities of the second class, to fix their jurisdiction, and provide for officers of said courts, and fix the compensation of certain officers thereof.

[Approved March 23, 1901. Stats. 1901, p. 576.]

The people of the state of California, represented in senate and assembly, do enact as follows:

Section 1. The judicial power of every city of the second class shall be vested in a police court to be held therein by the city justices of such city, or one of them. Either one of said justices may hold such court, and there may be as many sessions of said court at the same time as there are city justices in such city, and it is hereby made the duty of said city justices, in addition to the duties now required of them by law, to hold said police court, as judges thereof.

Sec. 2. Said police court shall have exclusive jurisdiction of all misdemeanors punishable by fine or by imprisonment, or by both such fine and imprisonment, committed in the city where such police court is held; and in all such cases, to try and determine the same, convict or acquit, pass and enter judgment and carry such judgment into execution as the case may require, according to law.

Sec. 3. The said court shall also have exclusive jurisdiction of all proceedings for violation of any ordinance of said city, both civil and criminal, and of all actions for the collection of any licenses required by the ordinances of said city.

Sec. 4. Neither of said justices shall sit in cases in which he is a party, or in which he is interested, or where he is related to either party by consanguinity or affinity within the third degree; and in case of the sickness or inability of said justices, or either of them, either of said justices may call in any justice of the peace of the county to act in his place or stead.

Sec. 5. Each of the city justices, while acting as judge of said police court, shall have jurisdiction to issue warrants of arrest, search warrants, subpoenas, and all other processes necessary to the full and proper exercise of the powers and jurisdiction of said court; to punish persons guilty of contempt of said court; to try all charges of misdemeanor offenses committed within its jurisdiction, as well as all charges for violation of city ordinances, and render judgment therein, with full power to carry such judgment into execution.

Sec. 6. Said police court shall have a clerk for each of the judges of said court, who shall be appointed by the judge of the said court presiding in the department thereof

in which the said clerk is to act, which said clerks shall hold office for the term of two years from the date of appointment. Each of said clerks shall give a bond in the sum of five thousand dollars, with at least two sureties, to be approved by the mayor of said city, conditioned for the faithful discharge of the duties of his office. Each of said clerks shall receive an annual salary of one thousand eight hundred dollars a year, payable in equal monthly installments out of the treasury of said city, which salary shall be the full compensation for all services rendered by him. Each of the said clerks shall keep a record of the proceedings of, and issue all processes ordered by, the city justices, or either of them, or by said police court, and receive and pay into the city treasury all fines imposed by said court. They shall also render each month to the city council an exact and detailed account under oath of all fines imposed and collected, and of all fines imposed and uncollected since their last reports. They shall prepare bonds, justify bail when the amount has been fixed by either of said justices or by said police court, in cases not exceeding one hundred dollars, and may administer and certify oaths. Said clerks shall remain at the court-rooms of said court during the business hours and during such reasonable times thereafter as may be necessary for a proper performance of their duties. Before receiving any monthly payment of salary each of said clerks shall make and file with the city auditor an affidavit that he has deposited with the city treasurer all moneys that have come into his hands, belonging to the city. Any violation of this provision shall be a misdemeanor.

Sec. 7. Said police court shall have a prosecuting attorney who shall be appointed by the district attorney of the county in which said city is situated, and who shall hold office for the term of two years from the date of his appointment. Said prosecuting attorney shall receive an annual salary of two thousand dollars, which shall be paid in equal monthly installments out of the treasury of said city, which salary shall be in full compensation for all services rendered by him. It shall be the duty of said prosecuting attorney to attend the sessions of said police court and conduct on behalf of the people all prosecutions for public offenses of which said court has jurisdiction.

Sec. 8. All fines and other moneys collected on behalf

of the city in the police court shall be paid into the city treasury on the first Tuesday of each month.

Sec. 9. The city council shall furnish suitable rooms for the holding of said police court and shall also furnish the necessary dockets, blanks, stationery, and supplies for the carrying on of the business of said courts. One docket shall be styled "The City Criminal Docket," in which all the criminal business of said court shall be recorded, and each case shall be alphabetically indexed. Another docket shall be styled "The City Civil Docket," and it shall contain each and every civil case in which the city is a party, or which is prosecuted or defended for her interest; and each case shall be properly indexed.

Sec. 10. The police court shall be always open, except upon non-judicial days, and then for such purposes only as by law permitted or required of other courts of this state.

Sec. 11. Appeals may be taken from any judgment of said police court to the superior court of the county in which such city may be located, in the same manner in which appeals are taken from the justices' courts in like cases.

Sec. 12. In all cases of imprisonment of persons convicted in said police court of any offense committed in the city, the person so to be imprisoned, or by ordinance required to labor, shall be imprisoned in the city jail, or, if required to labor, shall labor in the city.

Sec. 13. Said courts shall have a seal, to be furnished by the city.

Sec. 14. The city justices shall on the first Tuesday of each month make to the city council a full and complete report of all the cases, civil and criminal, in which the city has an interest, or which are required to be entered in the city civil docket or the city criminal docket, such report to be made upon blanks furnished by the city council and in such form as they may require.

Sec. 15. Certified transcripts of the dockets or files of said court, certified by the clerk of said court under the seal of said court, shall be evidence in any court of this state of the contents of said docket or of said files, as the case may be; and all warrants and other process issued out of said court and all acts done by said court and certified under its seal, shall have the same force and validity

in any part of this state as though issued or done by any court of record of this state.

Sec. 16. This act shall take effect and be in force from and after the thirtieth day of March, A. D. nineteen hundred and one.

ACT 2743.

An act to provide for prosecuting attorneys of police courts in cities of the second class, and regulating the compensation of such officers.

[Approved March 23, 1901. Stats. 1901, p. 664.]

The people of the state of California, represented in senate and assembly, do enact as follows:

Section 1. The police court in all cities of the second class shall have a prosecuting attorney, to be appointed by the district attorney of the county in which said city is situated, who shall hold office for the period of four years from the date of his appointment. He shall receive an annual salary of two thousand (2,000) dollars, payable in equal monthly installments, out of the treasury of said city, which salary shall be in full compensation for all services rendered by him. It shall be the duty of said prosecuting attorney to attend the sessions of said court, and conduct on behalf of the people all prosecutions for public offenses of which said court has jurisdiction.

Sec. 2. All other acts or parts of acts in conflict herewith are hereby repealed.

Sec. 3. This act shall be in full force and effect from and after its passage.

TITLE 373.

POULTRY.

ACT 2748.

An act to establish a poultry experiment station in the county of Sonoma, and making an appropriation therefor.

[Approved March 13, 1903. Stats. 1903, p. 143.]

The people of the state of California, represented in senate and assembly, do enact as follows:

Section 1. There is hereby established in the county of Sonoma, at or near the city of Petaluma, a poultry experiment station, to be known as the "California Poultry Experiment Station."

Sec. 2. The purposes of said station shall be the study of the diseases of poultry to ascertain the causes of such diseases, and to recommend treatment for the prevention and cure of the same; to ascertain the relative value of poultry foods for the production of flesh, fat, eggs, and feathers; to recommend methods of sanitation, and to conduct investigations for the purpose of securing results conducive to the promotion of the poultry interests of the state. This act shall be liberally construed to the end that the station hereby established may at all times contribute to the technical and general knowledge of the public upon the subject of poultry husbandry.

Sec. 3. The said station shall be under the supervision of the director of the agricultural experiment stations of the state of California, who shall, from time to time, cause to be issued bulletins of information regarding the care of poultry.

Sec. 4. Within thirty days after the passage of this act the governor shall appoint three persons, two of whom shall be from the staff of professors in the agricultural department of the University of California, and one a practical poultry raiser, which said persons shall constitute a board or commission to select and secure a site of not less than five acres for such poultry experiment station. Such board shall have full power to secure such site, by lease, purchase, or donation thereof, and shall proceed to the performance of the duties herein imposed within thirty days after receiving notice of their appointment.

Sec. 5. All moneys appropriated for the use of the station hereby established shall be under the control of the regents of the University of California.

Sec. 6. The sum of five thousand dollars is hereby appropriated out of any money in the state treasury, not otherwise appropriated, for securing the necessary site, and for equipping and maintaining said California poultry experiment station as provided by this act. Of the amount herein appropriated, the sum of two thousand five hundred dollars shall be available during the fiscal year nineteen hundred three and nineteen hundred four, and two thousand five hundred dollars shall be available during the fiscal year nineteen hundred four and nineteen hundred five.

Sec. 7. The state controller is hereby authorized to

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draw his warrants for the sum herein appropriated in favor of the treasurer of the regents of the University of California, and the state treasurer is hereby directed to pay the same.

Sec. 8. This act shall take effect immediately.

TITLE 374.

PRESTON SCHOOL OF INDUSTRY.

ACT 2753.

To establish the Preston school of industry, and to provide for the management and maintenance of the same. [Stats. 1889, p. 100.]

Amended 1893, 89.

In full in Appendix to Penal Code, p. 657.

ACT 2754.

To provide for the purchase of additional land for. [Stats. 1897, p. 422.]

In full in Penal Code, Appendix, p. 663.

ACT 2755.

To prevent evil-disposed persons from coming upon the grounds of the Whittier state school or the Preston school of industry. [Stats. 1895, p. 92.]

In full in Penal Code, Appendix, p. 688.

ACT 2756.

Relating to the commitments to the state school at Whittier, and to the Preston school of industry; fixing the authority to examine and commit to such schools with the superior court judges of the counties and fixing the responsibilities from which commitments are made to the state for maintenance of the persons committed therefrom; providing the manner of payment thereof and fixing the responsibility of the parents to the counties from which their children are committed. [Stats. 1895, p. 122.]

In full in Appendix to Penal Code, p. 686.

TITLE 375.

PRISONS.

ACT 2760.

To provide for a branch state prison at Folsom. [Stats. 1873-4, p. 785.]

This act appears in full in Penal Code, Appendix, p. 705.

ACT 2761.

For the government of the state prison convicts and to provide for the location of a branch prison. [Stats. 1858, p. 295.]

ACT 2762.

Regulating and governing state prison. [Stats. 1875-6, p. 832.]

Repealed by the constitution of 1879, 1880, 67, chap. LXXI: 1889, 404.

ACT 2763.

To regulate and govern the state prisons. [Stats. 1889, p. 404.]

This act appears in full in Penal Code, Appendix, p. 691.

ACT 2764.

Concerning conveyances. [Stats. 1862, p. 496.]

This act provided for the acknowledgments of deeds and instruments by prisoners. Compare sec. 675, Penal Code.

ACT 2765.

To provide for the erection and operation of rock-crushing plants at the state prisons, for the preparation of highway material for the benefit of the people of the state and providing for the necessary advances and appropriation of money to carry out said work. [Stats. 1895, p. 274.]

This act appears in full in Penal Code, Appendix, p. 710.

ACT 2766.

Authorizing the state board of prison directors to purchase California-grown hemp to be used in the manufacture of grain bags, and to fix the price at which such bags shall be sold. [Stats. 1901, p. 515.]

This act appears in full in Penal Code, Appendix, p. 716.

ACT 2767.

Providing for furnishing to sheriffs and chiefs of police of certain information, descriptions and photographs of convicts about to be discharged from state prison. [Stats. 1897, p. 213.]

ACT 2768.

Providing for the confinement of prisoners of the United States. [Stats. 1856, p. 29.]

Supplemented. 1863-4, 24. Superseded by Penal Code, sec. 1581.

ACT 2769.

To provide for the erection at Folsom state prison of a building for the accommodation of the insane prisoners and making an appropriation therefor. [Stats. 1903, p. 519.]

ACT 2770.

To provide for the erection at San Quentin of a building to accommodate insane prisoners. [Stats. 1889, p. 419.]

Repealed 1893, 148.

ACT 2771.

To provide for the construction of a sewerage system at the state prison at Folsom. [Stats. 1899, p. 29.]

ACT 2772.

To regulate and govern the operation of the rock-crushing plant at the Folsom state prison, to provide for the sale of crushed rock and the disposition of the revenues derived therefrom. [Stats. 1897, p. 99.]

This act appears in full in Penal Code, Appendix, p. 713.

ACT 2773.

Directing the state prison directors of the state of California to employ at least twenty prisoners in the construction of roads to the state prisons at San Quentin and at Folsom. [Approved March 12, 1903. Stats. 1903, p. 127.]

This act can be found in the Appendix to the Penal Code, p. 719.

ACT 2774.

Directing the state prison directors to employ at least twenty prisoners in the construction of roads to the state prison at San Quentin. [Stats. 1893, p. 141.]

Probably superseded by the act of 1903, 127. See act 2773, ante.

ACT 2775.

An act creating the office of matron of the jail or prison in and for cities and towns of the first, first and one half, second, and third classes, wherein official matrons or their duties are not now provided for by law, defining the duties and powers and fixing the term of office and compensation of, and providing for the appointment of, and the giving of official bond by, such matron.

[Approved March 23, 1901. Stats. 1901, 573.]

The people of the state of California, represented in senate and assembly, do enact as follows:

Section 1. Public welfare and present necessity in the several cities and towns in this state of the first, first and one half, second, and third classes, requiring that in such cities and towns there should be an official matron of the city or town jail or prison therein, the office of matron of the city or town jail or prison is hereby created in and for those several cities and towns in this state of the first, first and one half, second, and third classes, and concerning which there is now no provision of law for the office of, or prescribing the duties of, matron of the jail or prison of such city or town; and the duties and powers of such matron in such cases shall be as follows: She shall have free access at all reasonable times to the immediate presence of all female prisoners in the jail or prison of which she is the official matron, including the right of personal visitation and conversation with them; and, in all cases of searching the person of female prisoners therein, such matron exclusively shall make such search; and the matron shall, by example, advice and admonition employ her best abilities at all times to secure and promote the health, welfare and reformation of all such prisoners. The term of office of such matron shall be two years from her appointment and qualification and until her successor is appointed and qualified.

Sec. 2. The legislative board or body of each such city or town, referred to in section one of this act, is hereby authorized and empowered to appoint, and to provide for the payment of the compensation of, a matron of the jail or prison in and for the city or town of which such board or body is the governing board or body, and to specify the conditions and fix the amount of the matron's official bond, to be approved by such board or body.

Sec. 3. The compensation of such matrons, hereby regulated in proportion to the duties to be discharged, shall be as follows, payable monthly: In and for such cities of the first class, seventy-five dollars per month; in and for such cities of the first and one half class and of the second class, sixty-five dollars per month; in and for such cities of the third class, fifty dollars per month.

Sec. 4. To further the carrying into effect of the authority herein conferred and in furtherance of the dis-

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charge of the duties of such matrons, it is hereby enacted that no officer, deputy, policeman, constable, jailer, keeper, guard or person having charge or control of the jail or prison of any such city or town, referred to in section one of this act, shall refuse the matron, duly appointed and qualified hereunder, free access at all reasonable times to the immediate presence of all female prisoners therein, including the right of visitation and conversation with them, or in such jail or prison allow the searching of the person, in the case of a female prisoner, to be made except by such matron of such jail or prison, or obstruct the performance by such matron of her official duties in such jail or prison as those duties may be specified under the authority of this act or of law.

Sec. 5. All acts and parts of acts inconsistent with this act are hereby repealed.

Sec. 6. This act shall take effect immediately.

TITLE 376.

PRIZE-FIGHTING.

ACT 2790.

To prohibit prize-fighting. [Stats. 1893, p. 101.]

Superseded by Penal Code, sec. 412, as amended 1899, 153.

TITLE 377.

PROBATE COURTS

ACT 2785.

In relation to probate sales. [Stats. 1865-6, p. 324.]

This act ratified void sales of real estate. It was declared unconstitutional in *Fryor v. Downey*, 50 Cal. 388.

TITLE 378.

PROCESS.

ACT 2790.

Execution of final process in new counties. [Stats. 1873-4, p. 365.]

This act appears in full in Code of Civil Procedure, Appendix, p. 780.

ACT 2791.

To declare valid writs, processes, and certificates issued by the superior courts and the clerks thereof, before the courts had been legally provided with seals. [Stats. 1880, p. 19.]

This act appears in full in Code of Civil Procedure, Appendix, p. 781.

TITLE 379.

PROSTITUTION.

ACT 2793.

To prevent the placing, keeping, or leaving of married women in houses of prostitution. [Stats. 1891, p. 285.]

Cal.Rep.Cit. 116, 77.

This act appears in full in the Penal Code, Appendix, p. 654.

ACT 2797.

To prevent compulsory prostitution of women, and the importation of Chinese or Japanese women for immoral purposes, and to provide penalties therefor. [Stats. 1893, p. 217.]

This act appears in full in the Penal Code, Appendix, p. 653.

TITLE 380.

PROTECTION DISTRICTS.

ACT 2802.

To protect lands not recognized as swamp lands, from overflow. [Stats. 1880, p. 55.]

Amended 1889, 366.

"Unconstitutional in some respects. (Hutson v. Protection District, 79 Cal. 90.) Probably superseded by 1895, 247."—Code Commissioners' note.

This act provided for the formation of protection districts.

ACT 2803.

Providing for the dissolution and annulment of swamp and overflowed land reclamation and protection districts for non-user of corporate powers. [Stats. 1899, p. 13.]

ACT 2804.

An act to provide for the formation of protection districts in the various counties of this state, for the improvement and rectification of the channels of innavigable streams and water-courses, for the prevention of the overflow thereof, by widening, deepening, and straightening and otherwise improving the same, and to authorize the boards of supervisors to levy and collect assessments from the property benefited to pay the expenses of the same.

[Approved March 27, 1895. Stats. 1895, p. 247.]

Amended 1897, 219; 1903, 328.

The people of the state of California, represented in senate and assembly, do enact as follows:

Section 1. Whenever the board of supervisors of any county in this state may deem it proper to improve and rectify the channel of any innavigable stream or water-course within the county, and to prevent the overflow of such stream by widening, deepening, or straightening its course, or by erecting levees or dikes upon its banks, the board may, upon a petition of ten property holders of the district to be affected by such improvements, pass a resolution signifying its intention to improve such innavigable stream or water-course, describing the exterior boundaries of the district of lands to be affected or benefited by such work or improvement, and to be assessed to pay the damages, cost, and expenses thereof, the character of work or improvement contemplated, and the place where the proposed work or improvement is to be done. Such resolution shall also contain a notice, to be published, which notice shall be headed "Notice of intention of the board of supervisors to form a protection district," and shall state the fact of the passage of such resolution, with the date thereof, and briefly, the work or improvement proposed, and the statement that it is proposed to assess all property affected or benefited by such improvement for the expenses thereof, and refer to the resolution for further particulars. Such notice to be given by the board of supervisors, and signed by its clerk.

Sec. 2. Such notice shall be published for a period of thirty days, in one daily newspaper published and circulated in such county, and designated by said board of supervisors; or if there is no daily newspaper so published and circulated in said county, then by four successive insertions in a weekly or semi-weekly newspaper so published, circulated, and designated.

Sec. 3. Any person interested, objecting to such work or improvement, or to the extent of the district of lands to be affected or benefited by such work or improvement, and to be assessed to pay the costs and expenses thereof, may make written objections to the same within ten days after the expiration of the time of the publication of said notice, which objection shall be delivered to the clerk of said board of supervisors, who shall indorse thereon the date of its reception by him, and at the next regular meeting of such board of supervisors, or at an adjourned meeting, or a special meeting called for that purpose, after

the expiration of said ten days, lay such objections before said board of supervisors, which shall fix a time for hearing said objection, not less than fifteen days thereafter, and direct its clerk to notify each person objecting of such day fixed for hearing, by depositing a notice thereof in the post office at the county seat of such county, postage prepaid, addressed to such person objecting, which said notice shall be deposited in the postoffice not less than ten days before the day set for hearing.

Sec. 4. At the time specified or to which the hearing may be adjourned, the board of supervisors shall hear the objections urged and pass upon the same. Such board may, in its discretion, sustain, in whole or in part, any of all of the objections made and filed, and may change or alter the boundaries of such district to conform to the needs of the district, and may, in their discretion, declare such protection district formed as a subdivision of such county, and shall designate such district by name as the — protection district of — county, and thereafter the board of supervisors shall be deemed to have acquired jurisdiction to purchase or receive by donation, in the name of the district, any real or personal property necessary to properly carry out the purposes of the formation of such district, under the same rules as govern the purchase of property in the name of the county; but no district shall be formed wherein a majority of the property-holders within its limits protest in writing against such action.

Sec. 5. The board of supervisors of such county shall also have power to condemn land for the purpose of widening, deepening and straightening any innavigable stream flowing through such protection district, or forming a boundary, or any part of a boundary thereof, and for that purpose all the provisions of part three, title seven, of the Code of Civil Procedure are hereby made applicable to the exercise of the right of eminent domain for such purposes, or to any other purpose necessary to the needs of such district when formed; provided, that nothing in this act shall be construed as interfering, conflicting or abrogating reclamation districts now established by law. Whenever such innavigable stream or watercourse forms, or the portion thereof deemed proper or necessary to be improved and rectified by widening, deepening or straight-

ening its course, or by erecting levees or dikes upon its bank, forms the boundary line between any two or more counties in this state, the petition shall first be presented to the board of supervisors of the county in which the greatest portion of lands within the proposed district are situated, signed by at least twenty of the property holders of the district, ten (10) from each of the counties to be affected, which petition shall set forth and particularly describe the proposed boundaries of such district and the other matters required by section one of the act of which this act is amendatory, and shall pray for a district to be organized under said act; and when the board of supervisors of any one of said counties has acquired jurisdiction, as provided in section four of the act of which this act is amendatory, the board of supervisors of each of the other counties, when notified, shall proceed to improve and rectify the channel of said stream or watercourse, so as to prevent the overflow of such stream or watercourse, and in accordance with the terms of said act of which this act is amendatory. And if, after notice, given in writing by the board of supervisors of the county so first acquiring jurisdiction to the board of supervisors of said other counties, either or any county so notified shall fail for sixty days to proceed to take all necessary steps under said act for the prevention of the overflow of such stream, by widening, deepening or straightening its course, or by erecting levees or dikes upon its banks, the board of supervisors having obtained jurisdiction as above provided, and giving such notice shall proceed under the terms of said act to improve and rectify the channel of such stream or watercourse, by widening, deepening, or straightening its course, or by erecting levees or dikes upon its banks, and collect by law, from the county or counties so notified, its proportion of the costs and expenses of said improvement, which shall not exceed in the case of any county one quarter of the total cost thereof; provided, said amount shall not exceed in any case for any one county the sum of twenty-five hundred dollars. Nothing herein shall authorize the alteration of the boundary lines of any county, and said boundary lines shall remain as they are at present. Thereafter all costs of every nature that may be incurred or made necessary in the keeping up or preservation of any work or improvement done under the provisions

of this section shall be borne by the counties affected by such work or improvement, and the lands within said district in the proportion provided in section 10 of this act. [Amendment approved March 20, 1903. Stats. 1903, p. 328. In effect immediately.]

Sec. 6. Having acquired jurisdiction, as provided in section four hereof, the board of supervisors shall cause a survey of said contemplated improvement to be made, or adopt a survey already made; and a map of the survey must be adopted by such board, and thereafter such survey and map shall be the plans to be followed in making such improvements; provided, that at any time after the adoption of such survey and map, and before any commissioners' report of the assessment of benefits and award of damages has been finally adopted and confirmed by the board of supervisors as provided for by section sixteen of this act, said board of supervisors may rescind their action in adopting such survey and map, and may adopt others in place thereof, or, by the affirmative vote of not less than four fifths of all its members, said board may abandon its contemplated improvement and disorganize and abolish such protection district, in which case the preliminary expenses already incurred for advertising and surveying shall be a county charge. [Amendment approved March 27, 1897. Stats. 1897, p. 219. In effect immediately.]

Sec. 7. After adopting such survey, the board of supervisors shall appoint three commissioners to assess benefits and damages, to estimate the total cost of making the proposed improvements and performing such proposed work, which estimate shall include all expenses of every kind incurred or to be incurred, either directly or indirectly, in carrying out the said work and improvements. Before entering upon the discharge of their duties as such commissioners, they shall each take and subscribe to an oath to perform the duties of such commission to the best of their abilities, and shall each file, with the clerk of the board of supervisors, a bond to the state of California, in the sum of three thousand dollars, to faithfully perform the duties of his office as such commissioner, which said bond must be approved by the chairman of the board of supervisors. The board of supervisors may, at any time, remove any or all of said commissioners for cause, upon

reasonable notice and hearing, and may fill any vacancies occurring among them from any cause.

Sec. 8. The commissioners shall have all powers necessary and proper to carry out the provisions of this act, and the act of a majority shall be the act of the board.

Sec. 9. All such charges and expenses shall be deemed as expenses of said work or improvement, and be a charge only upon the funds devoted to the particular work or improvement as provided hereafter. All claims, as well for the land and improvements taken or damaged as for the charges and expenses, shall be paid as are other claims against the county and upon order of the board of supervisors, and the claims shall be itemized in the same manner as are other claims against the county.

Sec. 10. Said commissioners shall proceed to view the lands embraced within the boundaries of such protection district, and may examine witnesses under oath, to be administered by any one of them. Having viewed the land to be taken, and the improvements affected, and considered the testimony presented, they shall proceed with all diligence to determine the value of the land and damage to improvements and property affected and also the estimate amount of the costs of the proposed work or improvement and the expenses incident thereto, and having determined the same, shall proceed to assess the same to the county or counties and upon the lands embraced within the exterior boundaries of such protection district. Such assessment shall be made in the manner following, to wit: The board of supervisors shall assess to the county or counties where more than one as [is] an interested and benefited party or parties not exceeding one half of such assessment; provided, that in no case shall a county be liable for an amount in excess of one fourth thereof or for any sum greater than twenty-five hundred dollars where there are two or more counties within which said district is formed, and the remainder of such assessment may be made upon the lands within said district in proportion to the benefits to be derived from said work or improvement, so far as said commission can reasonably estimate the same, including in such estimate the property of any railroad company, within said district, if such there be. [Amendment approved March 20, 1903. Stats. 1903, p. 329. In effect immediately.]

Sec. 11. Said commissioners, having made their assessment of benefits and damages, shall, with all diligence, make a written report thereof to the board of supervisors, and shall accompany their report with a plat of the district, showing the land taken or to be taken for the work or improvement; and the lands assessed, showing the relative location of each district, block, lot, or portion of lot or other piece of land, and its dimensions, so far as the commissioners can reasonably ascertain the same. Each block and lot, or portion of lot, or other parcel or parcels of land taken or assessed, shall be designated and described in said plat by an appropriate number, and a reference to it by such descriptive number shall be a sufficient description of it in all respects. When the report and plat are approved by the board of supervisors, a copy of said plat (appropriately designated and certified by the clerk of said board as a correct copy of the plat on file in his office) shall be, by the clerk of said board, recorded in the office of the recorder of the county. Said report of the commissioners shall also contain the names of the persons owning lands taken, or to be taken, for such work or improvement; the names of the land-owners who consent to give the right of way, and their written consent thereto; the names of land-owners who do not consent, and the amount of damage claimed by each, and the amount of damages awarded to each by the commissioners.

Sec. 12. Said report shall specify each lot, subdivision, or piece of property taken or injured by the widening, deepening, or straightening of such innavigable stream, or other improvement made or work done, or assessed therefor, together with the name of the owner or claimants thereof or of persons interested therein as lessees, incumbancers, or otherwise, so far as the same are known to the commissioners, and the particulars of their interests, so far as the same can be ascertained, and the amount of value or damages or the amount assessed, as the case may be.

Sec. 13. If in any case the commissioners find that conflicting claims of title exist, or shall be in ignorance or doubt as to the ownership of any piece of land or of any improvement thereon, or of any interest in such land or improvement, it shall be set down as belonging to unknown owners. Errors in the designation of the owner or

owners of any land or improvement, or of the particulars of their interests, shall not affect the validity of the assessment, or of any condemnation of the property to be taken.

Sec. 14. The commissioners shall receive for their services such compensation as the board of supervisors may determine from time to time; provided, that the compensation shall not exceed the sum of one hundred dollars per month each, nor continue for more than six months, unless the board of supervisors shall, by order, extend such time. The compensation of the commissioners shall be considered as an expense of the work or improvement, and shall be chargeable and payable as are other expenses thereof.

Sec. 15. The report of such commissioners, and the plat accompanying it, shall be filed with the clerk of the board of supervisors, and thereupon the said clerk shall give notice of such filing by publication for at least ten days, in one daily newspaper published and circulated in said county; or if there be no daily paper, by three successive insertions in a weekly or semi-weekly newspaper so published and circulated. Said notice shall require all persons interested to show cause, if any they have, why such report should not be adopted and confirmed by the board of supervisors, on or before a day fixed by the clerk thereof, and stated in said notice; which day shall not be less than thirty days from the last publication thereof. Such notice shall be substantially in the following form:

Notice of the filing of the report of the board of commissioners of ——— protection district.

Notice is hereby given that the board of commissioners of ——— protection district did, on the ——— day of ——— 189—, file its report of the assessment of benefits and award of damages in said protection district with the clerk of the board of supervisors of ——— county, which said report is now on file in the office of said board, in the county court-house, in the city of ———, in said county. Said report is hereby made a part hereof, and is hereby referred to for further particulars. All persons interested are hereby required to show cause, if any they have, why such report should not be adopted and confirmed by such board of supervisors.

All objections to such adoption of such report shall be in writing and signed by the person objecting, giving

post-office address, and filed with the clerk of said board of supervisors on or before the --- day of ---, 189--.

Clerk of the board of supervisors of --- county.

Sec. 16. All objections shall be in writing and filed with the clerk of the board of supervisors, who shall, at the next meeting of the board (whether an adjourned meeting, a regular monthly meeting, or a special meeting called for that purpose) after the day fixed in the notice to show cause, lay the said objections, if any have been filed, before the said board, which shall, by order, fix a time for hearing the same, and direct the clerk to notify the objectors in the manner prescribed in section three hereof. At the time fixed for hearing, or at such other time as the hearing may be adjourned to, the board of supervisors shall hear such objections and pass upon the same; and at such time, or if there be no objections, at the first meeting after the day set in such order to show cause, or such other time as may be fixed, shall proceed to pass upon such report, and may confirm, correct, or modify the same, or may order the commissioners to make a new assessment, report, and plat, which shall be filed, notice given, and hearing had as in the case of an original report. When such report has been adopted and confirmed, the said board may, by order entered upon its minutes, discharge such commissioners, and their authority shall thereupon cease.

Sec. 17. After said report has been adopted as provided in the preceding section, the board of supervisors, if they consider the sum to be raised for the payment of the expenses of such work or improvement too great to be properly expended in one year, or too great to be raised in one year by assessments against the property of such protection district, may, by order entered upon its minutes, provide that any part of such expenses shall be raised or expended in one year, and that such assessments shall continue for a number of years sufficient to raise by assessment, and expend, the total sum required by such report for the work or improvement. When the board has determined the sum to be assessed for each year, and the number of years that such assessment shall continue, they shall cause the clerk of the board of supervisors to forward to the tax collector of the county in which such dis-

trict is situated, a certified copy of the report, assessment, and plat as adopted and confirmed by the said board of supervisors, together with a certified copy of the order of said board, fixing the sum to be raised by such assessment each year and the number of years such assessment shall continue, and from and after the filing of such certified copy the charges assessed upon each piece of land or improvement thereon for the first year shall become due and payable immediately and shall constitute a lien thereon; and thereafter the assessments for the succeeding years shall become due and payable on the first day of October of each year, and shall, upon becoming due and payable, constitute a lien upon the land or improvements upon which it is assessed. Before such sums become delinquent, the board of supervisors shall direct the county treasurer to transfer from the money then in the general fund of such county to the fund raised by such assessment, a sum of money to be named in the order, great enough to pay the assessment made against the county for that year for such work and improvements.

Sec. 18. All moneys paid upon such assessments, either by property owners or by the county, and moneys received from any source for the benefit of such protection district, shall be, by the county treasurer, placed in a fund to be called the ——— protection district fund; and all payments of any of the expenses of the work or improvements or other expenses of such district shall be made upon warrants drawn by the county auditor upon such fund, and paid by such treasurer.

Sec. 19. Upon the filing of such certified copy of such report, assessment plat, and order with the tax collector of the county, as prescribed in section eighteen hereof, the county tax collector shall give notice, by ten days' publication in a newspaper printed in the county, that the assessment list of ——— protection district has been filed in his office, with the date of such filing; that the amounts entered thereon are due and payable; that if not paid on or before the first Monday in January next ensuing, the same will become delinquent and will be collected as are delinquent taxes. He shall note on said assessment list all assessments paid, giving receipts as in the payment of taxes, and shall pay all money collected into the county treasury at the same time and in the same manner as

money collected for taxes is paid into said treasury. All subsequent collections of assessments shall be made in the same manner above set forth, and the tax collector shall annually (after the first year), immediately after the first day of October, publish a notice containing all the statements required to be made as hereinbefore in this section set forth, and the same proceedings shall be had as upon the collection of the first assessment.

Sec. 20. When said assessments have become delinquent the tax collector of such county shall proceed to collect such delinquent assessments, with five per cent added thereon, and pay the same, including the five per cent so collected, over to the county treasurer, in the same manner as state and county taxes are collected and paid over; and for the purpose of collecting such assessments and delinquent assessments all of the provisions of chapter seven, title nine, part three, of the Political Code not in conflict with any of the provisions of this act are hereby made applicable to the collection of assessments and delinquent assessments in such protection districts.

Sec. 21. If, at the completion of such work or improvements, there should be, from any cause, a surplus of money left in such protection district fund, the board of supervisors may ascertain the pro rata amount belonging to each person paying such assessments, and upon the filing of claims for such rebate properly itemized, shall refund such money to the parties who paid the same; and when all of such money has been refunded, shall, by order, direct the county treasurer to abolish such protection district fund.

Sec. 22. When sufficient money is in such protection district fund to pay for the property taken and damaged, according to the award of damages made in the report adopted by the board of supervisors, as provided in section seventeen hereof, the clerk of the board of supervisors shall notify the owner, possessor, or occupant of any land or improvement thereon to whom damages shall have been awarded, that such award has been made, and the amount thereof, and that upon such person filing a claim and tendering a conveyance of any property to be taken, such claim will be allowed and such damages paid. Such notice shall be given by depositing such notice in the post-office at the county seat of such county, postage prepaid, ad-

dressed to such owner, possessor, or occupant, if his name be known. In case the property is unoccupied, and the name of the owners is unknown, or in case such unoccupied property is set down as belonging to unknown owners for the reasons given in section fourteen hereof, such notice shall be delivered to the sheriff or to a constable, who shall serve the same by posting a copy in a conspicuous place upon the property named in said notice, and indorse a certificate of service upon the original notice, and file the same with the clerk of the board of supervisors.

Sec. 23. Whenever the clerk of the board of supervisors or other officer is, by this act, empowered to serve any notice by mailing, a certificate of such mailing, in conformity to the provisions of this act and filed with the records of such supervisors, shall be sufficient proof of such service.

Sec. 24. If any award of damages is not accepted within fifteen days after the mailing or posting of such notice, it shall be deemed as rejected by the property owner, and thereupon the board of supervisors may direct proceedings to procure the right of way to be instituted, in the name of the county, by the district attorney, under and as provided in title seven, part three, of the Code of Civil Procedure, against all non-accepting property owners; and when thereunder the right of way is procured, the work or improvement must be commenced as hereinafter provided. In such suit no informality in the proceedings of the board of supervisors, or in the proceedings of the commissioners, shall vitiate said suit, but the said order of the board of supervisors, directing the district attorney to bring suit, shall be conclusive proof of the regularity thereof; and the said suit shall be determined by the court or jury in accordance with the rights of the respective parties as shown in court, independent of said proceedings before said board of supervisors or before said commissioners.

Sec. 25. If any right of way, attempted to be acquired by virtue of this act, shall be found to be defective from any cause, the board of supervisors may again institute proceedings to acquire the right of way as in this act provided, or otherwise, or may purchase the same and include the cost thereof in the expenses of such work or improvement.

Sec. 26. The board of supervisors shall determine the amount of work to be done in each year and the place where such work is to be done, and may let a contract for any portion of such work that they may think proper. When the work is let by contract, either as a whole work or for a portion thereof, the board shall give notice, by publication thereof, not less than ten days, in a newspaper published in such county, calling for bids for the construction of such work, or of any portion thereof; if less than the whole work is advertised, then the portion so advertised must be particularly described in such notice. Said notice shall set forth that plans and specifications can be seen at the office of the board, and that the board will receive sealed proposals therefor, and that the contract will be let to the lowest responsible bidder, stating the time and place for opening said proposal, and how such sealed proposals shall be addressed, which, at the time and place appointed, shall be opened, and, as soon thereafter as convenient, the board shall let said work, either in portions or as a whole, to the lowest responsible bidder; or they may reject any and all bids and readvertise for proposals. Any person or persons to whom a contract may be awarded shall enter into a bond, with good and sufficient sureties, to be approved by the board, payable to said county for the use of such protection district, for double the amount of the contract price, conditioned for the faithful performance of said contract. The work shall be done under the direction and to the satisfaction of the board of supervisors.

Sec. 27. If, according to the survey and map as adopted by the board of supervisors, as provided in section seven hereof, it is necessary, in order to shorten or straighten the course of any innavigable stream, to dig canals, cut off bends, change the channel or course of such stream, or to turn the water from its present channel into a former but now dry channel, then such work shall be considered as the straightening of the channel and course of such innavigable stream, and all of the provisions of this act are hereby declared to be applicable to such work.

Sec. 28. If, at any time, in the opinion of the board of supervisors, the expenditure of money is absolutely necessary to the welfare of such protection district, and there is no money in the fund of such district to make such

necessary expenditure, or the money in such fund is insufficient to make such necessary expenditure, then the board of supervisors may advance such money out of the general fund of the county, and the same shall be a credit to the county as a payment of the assessments against the county to that extent; or if such money advanced shall exceed the assessments against the county, then as soon as there is sufficient money in the fund of such protection district to pay the excess, the board of supervisors shall direct the county treasurer to transfer to the general fund from the fund of such protection district, a sum great enough to balance the accounts.

Sec. 29. The provisions of this act shall be liberally construed to promote the objects thereof.

This act shall take effect and be in force from and after its passage.

TITLE 381.

ACT 2809. PUBLIC ADMINISTRATORS.

For relief of purchasers at sales made by. [Stats. 1860, p. 16.]

This act validated sales made without first having obtained letters of administration.

ACT 2810.

Providing for, in certain cases. [Stats. 1871-2, p. 796.]

Repealed by County Government Act, 1897, 490, secs. 142 to 147, prescribing the duties of coroner.

This act made the coroner the public administrator in certain cases.

TITLE 382.

ACT 2815. PUBLIC BUILDINGS.

Public buildings and structures, regulating erection of. [Stats. 1871-2, p. 925.]

Superseded as to state officers and works, 1875-6, 427.

ACT 2816.

State, contracts in behalf of, in relation to buildings. [Stats. 1875-6, p. 427.]

Amended 1891, 457; 1895, 237.

ACT 2877.

To provide for the completion of unfinished county, city and county, city, and township buildings. [Stats. 1887, p. 95.]

Amended 1891, 83; 1893, 126; 1895, 166.

ACT 2818.

Concerning the completion of unfinished public buildings in any county, city, city and county, or town in this state, and permitting alterations of the original plans or designs for the construction thereof. [Stats. 1895, p. 165.]

Cal.Rep.CM. 110, 222.

TITLE 383:**PUBLIC DEBT.**

Bonds: See title Bonds, ante.

ACT 2822.

Concerning the war debt of the state, and providing for the redemption thereof. [Stats. 1889, p. 206.]

ACT 2824.

Loan commissioners, granting additional powers to, adding to act of April 2, 1870, 646. [Stats. 1873-4, p. 235.]

Superseded by 1891, 210.

ACT 2825.

An act to authorize cities of not less than twenty-six thousand nor more than thirty thousand inhabitants, to vote upon the question of paying indebtedness incurred in the years 1889 and 1890.

[Approved February 20, 1891. Stats. 1891, p. 8.]

Section 1. The board of trustees or the governing body of all cities of not less than twenty-six thousand nor more than thirty thousand inhabitants are hereby authorized to submit to the qualified electors of such city, at either a general or municipal election in said city, or special election, the question whether or not any indebtedness incurred by or claimed to be due from said city, contracted in the years eighteen hundred and eighty-nine and eighteen hundred and ninety, shall be paid.

Sec. 2. Said board of trustees or other governing body

shall specify particularly, in the proclamation for such election, the amount of the claimed indebtedness, and for what services it is claimed to be due, and shall specify, if the election is a special one, the form of ballots to be used by the electors, and the time, place and manner of holding said election and canvassing the returns thereof, and declaring the result thereof. If said question is voted upon at a general or municipal election, the ballots shall contain the words, "For the payment—Yes" and "For the payment—No," in addition to the other matters contained therein.

Sec. 3. If two thirds of the votes cast upon such question vote in the affirmative, the said board of trustees or other governing body shall immediately order paid, as other claims against said city are paid, the said amount so voted; and for that purpose shall be and are hereby authorized to incorporate the said amount in the next tax levy, if the same has not been already levied, for the year in which such election is held; and if such tax levy has been levied, then they shall make a new assessment and levy for the said amount, using the last assessment roll as a basis therefor.

Sec. 4. This act shall take effect and be in force from and after its passage.

ACT 2826.

An act to prohibit the creation of debts against the state in excess of appropriations made by law except in cases of actual necessity, and on consent of the board of examiners.

[Approved March 23, 1893. Stats. 1893, p. 285.]

Section 1. No officer or employee in the service of the state shall have power to create any deficiency in excess of any appropriation of money made by law, except in case of actual necessity, and only then upon the written authority, first obtained, of the governor, secretary of state, and attorney-general; and any indebtedness attempted to be created against the state in violation of the provisions of this act shall be absolutely null and void, and shall not be allowed by the state board of examiners.

Sec. 2. This act shall take effect from and after its passage.

TITLE 394.

PUBLIC HEALTH.

ACT 2831.

To create the office of attorney for the state board of health and the board of health of the city and county of San Francisco. [Approved March 31, 1891. Stats. 1891, p. 209.]

Cal.Rep.Cit. 116, 109.

ACT 2832.

To protect public health from infection caused by exhumation and removal of the remains of deceased persons. [Stats. 1877-8, p. 1050.]

Amended 1889, 139.

This act appears in full in the Appendix to the Penal Code, p. 654.

ACT 2833.

To prevent the introduction, and provide for the investigation and suppression, of contagious or infectious diseases, and appropriating money to be used for such purpose. [Stats. 1901, p. 10.]

Repealed 1903, 414.

ACT 2834.

To protect the public health, to prevent the introduction and spreading of disease, and to provide for the protection of the health of criminals under sentence on conviction of a misdemeanor. [Stats. 1883, p. 280.]

This act authorized the cutting of the hair of persons convicted of a misdemeanor. It appears in full in Penal Code, Appendix, p. 719.

ACT 2835.

An act to prevent the introduction of contagious or infectious diseases into the state of California.

[Approved March 15, 1883. Stats. 1883, p. 376.]

See Political Code, sec. 2979a.

Railroad cars to be inspected.

Section 1. Whenever there shall exist, in the opinion of the state board of health, imminent danger of the introduction of contagious or infectious diseases into the state of California, by means of railroad communication with other states, the said state board of health are authorized, and it is hereby made their duty, to make or

cause to be made, by an accredited agent or inspector, an inspection of all railroad cars, coming into the state at such point, or between such points within the state limits as may be selected for the purpose:

Detention of train a minimum.

Sec. 2. Such inspection shall be made, where practicable, during the ordinary detention of a train at a station, or while in transit between stations, and in all cases shall be so conducted as to occasion the least possible detention or interruption of travel or inconvenience to the railroad companies, so far as consistent with the purposes of this act.

Infected cars to be side-tracked.

Sec. 3. Should the discovery be made of the existence among the passengers of any case or cases of dangerous, contagious, or infectious disease, the said board of health, or their agent or inspector, under rules and conditions prescribed by them as being applicable to the nature of the disease, shall have power to cause the side-tracking or detention of any car or cars so infected, to isolate the sick or remove them to a suitable place for treatment, to establish a suitable refuge-station, to cause the passengers and materials in such infected car to be subjected to disinfection and cleansing before proceeding farther into the state, and, in the case of smallpox, to offer free vaccination to all persons exposed in any car or at any station.

Appropriation.

Sec. 4. The sum of five hundred dollars is hereby appropriated out of any moneys in the treasury not otherwise appropriated, to be expended solely for the purposes of this act, and all expenditures herein authorized shall be specified in an itemized account to be presented to the state board of examiners, and paid as other demands on the treasury are paid; provided, that in no case shall the sum expended exceed that herein specially appropriated for the purpose.

Sec. 5. This act shall take effect from and after its passage.

ACT 2866.

An act to prevent the introduction, and provide for the investigation and suppression of contagious or infec-

tious diseases, and appropriating money to be used for such purpose.

[Approved March 20, 1903. Stats. 1903, p. 255.]

The people of the state of California, represented in senate and assembly, do enact as follows:

Section 1. The sum of one hundred thousand dollars (\$100,000) is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, to be expended by the state board of health, under the direction of the governor, for the prevention of the introduction of Asiatic cholera, bubonic plague, smallpox or other contagious or infectious disease into this state, and for their investigation and suppression in case of their origin or introduction. The claims for such expenditures must be audited by the board of examiners, except that when, in the opinion of the governor, an emergency arises which demands or necessitates the immediate use of money for the purposes herein provided, the controller must draw his warrant in the name of the governor, without such audit, on account of the sum hereby appropriated, upon the order of the governor, in such sums, from time to time, not exceeding one thousand dollars (\$1,000.00) at any one time, as he may direct. In cases where sums are so drawn upon the order of the governor, without audit by the board of examiners, vouchers must be thereafter filed with the controller, showing the manner and the purposes for which such sums have been expended.

Sec. 2. This act takes effect immediately.

ACT 2837.

To authorize the state board of health to purchase and manufacture diphtheria antitoxin, and to appropriate six thousand dollars therefor. [Approved March 12, 1895. Stats. 1895, p. 45.]

ACT 2838.

An act entitled An act to grant to boards of health in cities, and cities and counties, the power to regulate the plumbing and drainage of buildings.

[Approved March 15, 1883. Stats. 1883, p. 366.]

Plumbers required to register.

Section 1. Every master or journeyman plumber carrying on his trade shall, under such rules and regulations

as the board of health of such county, or city and county, shall prescribe, register his name and address at the health office of such county, or city and county; and after the said date it shall not be lawful for any person to carry on the trade of plumbing in any county, or city and county, unless his name and address be registered as above provided.

Publication.

Sec. 2. A list of the registered plumbers shall be published in the yearly report of the health-office.

Board of health to approve plans.

Sec. 3. The drainage and plumbing of all buildings, both public and private, hereafter erected in any county, or city and county, shall be executed in accordance with plans previously approved, in writing, by the board of health of said county, or city and county; suitable drawings and description of the said drainage and plumbing shall, in each case, be submitted and placed on file in the health-office. The said board of health are also authorized to receive and place on file drawings and descriptions of the drainage and plumbing of buildings erected prior to the passage of this act.

Supervisors to apportion tax.

Sec. 4. The boards of supervisors, or other city or county officials, whose duty it is to make apportionments for the board of health of such county, or city and county, shall make the necessary apportionments, and shall insert the same in the yearly tax levy, to provide for carrying out the provisions of this act.

Court of record may enjoin.

Sec. 5. Any court of record in said county, or city and county, or any judge or justice thereof, shall have power at any time after the service of notice of the violation of any of the provisions of this act, and upon the affidavit of the health-officer or a member of the board of health of such county, or city and county, to restrain by injunction order the further violation named in this act, or of any work upon or about the building or premises upon which the said violation exists, and no undertaking shall be required as a condition to the granting or issuing of such injunction or by reason thereof.

Sec. 6. Any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor.

Sec. 7. This act shall take effect immediately.

ACT 2839.

An act to grant to boards of health or health-officers, in cities, and cities and counties, the power to regulate the plumbing and drainage of buildings, and to provide for the registration of plumbers.

[Approved March 3, 1885. Stats. 1885, p. 12.]

Amended 1887, 58.

License from board of health.

Section 1. It shall not be lawful for any person to carry on business, or labor as a master or journeyman plumber, in any incorporated city, or in any city and county, in this state until he shall have obtained from the board of health of said city or city and county a license authorizing him to carry on business, or labor as such mechanic. A license so to do shall be issued only after a satisfactory examination by the board of each applicant upon his qualifications to conduct such business or to so labor. All applications for license, and all licenses issued, shall state the name in full, age, nativity, and place of residence of the applicant or person so licensed. It shall be the duty of the secretary of each board of health to keep a record of all such licenses issued, together with an alphabetical index to the same. [Amendment approved March 9, 1887. Stats. 1887, p. 58. In effect immediately.]

Publish list in yearly report.

Sec. 2. A list of all licensed plumbers shall be published in the yearly report of the health officer or board of health. [Amendment approved March 9, 1887. Stats. 1887, p. 58. In effect immediately.]

Plans of plumbing.

Sec. 3. The drainage and plumbing of all buildings, both public and private, hereafter erected in any city, or city and county, shall be executed in accordance with plans previously approved in writing by the board of health of said city, or city and county; and suitable drawings and description of the said drainage and plumbing

shall, in each case, be submitted to the board of health, and placed on file in the health-office. The said board of health is also authorized to receive and place on file drawings and descriptions of the drainage and plumbing of buildings erected prior to the passage of this act.

Tax levy.

Sec. 4. The board of supervisors, or other city, or city and county, officials whose duty it is to make appropriations and tax levies for general purposes of such city, or city and county, shall make the necessary appropriations and tax levies, and shall insert the same in the yearly tax levy, to provide for carrying out the provisions of this act. Such appropriations and levy shall be made at the same time and in the same manner as appropriations and tax levies are made for other city, or city and county, purposes.

Where no board of health.

Sec. 5. In any city, or city and county, where there is under existing laws, a health-officer, but no board of health, such health-officer shall perform all the duties required by this act of the board of health until a board of health shall be created, and in any city, or city and county, where there is no health-officer nor board of health, the board of supervisors or city council, or other municipal legislative board or body, shall create a board of health, who shall perform all the duties required by this act of the board of health or health-officer.

Injunction.

Sec. 6. Any superior court, or judge thereof, shall have power to restrain by injunction the continuance of work to be done upon or about buildings or premises where the provisions of this act have not been complied with, and no undertaking shall be required as a condition to the granting or issuing of such injunction, or by reason thereof.

Penalty.

Sec. 7. Any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction shall be punished accordingly.

Sec. 8. This act shall take effect immediately.

ACT 2240.

An act to encourage and provide for a general vaccination in the state of California.

[Approved February 20, 1889. Stats. 1889, p. 32.]

Exclusion of children from schools unless vaccinated.

Section 1. The trustees of the several common-school districts in this state, and boards of common-school government in the several cities and towns, are directed to exclude from the benefits of the common schools therein any child or any person who has not been vaccinated, until such time when said child or person shall be successfully vaccinated; provided, that any practicing and licensed physician may certify that the child or person has used due diligence and cannot be vaccinated so as to produce a successful vaccination, whereupon such child or person shall be excepted from the operation of this act.

Notice by school trustees.

Sec. 2. The trustees or local boards, annually, or at such special times to be stated by the state board of health, must give at least ten days' notice, by posting a notice in two or more public or conspicuous places within their jurisdiction, that provision has been made for the vaccination of any child of suitable age who may desire to attend the common schools, and whose parents or guardians are peculiarly or otherwise unable to procure vaccination for such child.

List of children not vaccinated.

Sec. 3. The said trustees or board must, within sixty days after the passage of this act, and every year thereafter, ascertain the number of children or persons in their respective school districts or subdivision of the city school government being of an age suitable to attend common schools, who have not been already vaccinated, and make a list of the names of all such children or persons. It also shall be [the] duty of said trustees or board to provide, for the vaccination of all such children or persons in their respective school districts, a good and reliable vaccine virus wherewith to vaccinate such children or persons who have not been vaccinated. And when so vaccinated, to give a certificate of vaccination, which certifi-

cate shall be evidence thereof for the purpose of complying with section one.

Expenses for, how paid.

Sec. 4. The necessary expenses incurred by the provisions of this act shall be paid out of the common school moneys apportioned to the district, city, or town. And if there be not sufficient money, the trustees must notify the board of supervisors of the amount of money necessary, and the board must, at the time of levying the county tax, levy a tax upon the taxable property in the district sufficient to raise the amount needed. The rate of taxation is ascertained by deducting fifteen per cent for delinquencies from the assessment, and the rate must be based upon the remainder. The tax so levied must be computed and entered upon the assessment roll by the county auditor, and collected at the same time and in the same manner as state and county taxes, and when collected shall be paid into the county treasury for the use of the district.

Annual report of trustees.

Sec. 5. The trustees of the several school districts of this state are hereby required to include in their annual report, and report to the secretary of the state board of health, the number in their several districts between the ages of five and seventeen years who are vaccinated, and the number unvaccinated.

Sec. 6. This act shall take effect immediately.

ACT 2841.

To provide for the proper sanitary conditions of factories and workshops, and the preservation of the health of employees. [Stats. 1889, p. 3.]

Amended 1901, 571.

Unconstitutional. (Schaezlein v. Cabaniss, 135 Cal. 466.)

TITLE 385.

PUBLIC LANDS.

ACT 2846.

Authorizing the governor to re-convey part of the lands to the United States, conveyed to the state and listed under the agricultural college grant of 150,000 acres. [Stats. 1883, p. 287.]

ACT 2847.

Prescribing the mode of maintaining and defending possessory actions on lands belonging to the United States. [Stats. 1850, p. 203.]

Repealed by act of 1852, p. 158.

ACT 2848.

Prescribing the mode of maintaining and defending possessory actions on public lands. [Stats. 1852, p. 158.]

Amended 1859, 94; 1861, 143.

Cal.Rep.Cit. 42, 151; 42, 406; 44, 200; 103, 422.

Not repealed. (See Gray v. Dixon, 74 Cal. 508.)

ACT 2849.

For the protection of actual settlers and to quiet title to lands. [Stats. 1856, p. 54.]

"In many respects unconstitutional (Billings v. Hall, 7 Cal. 1; Lathrop v. Mills, 19 Cal. 513; Pioche v. Paul, 22 Cal. 105); and the parts not unconstitutional are probably superseded by the codes."—Code Commissioners' note.

ACT 2850.

For the better protection of settlers on public lands. [Stats. 1858, p. 345.]

This act provided for the redress of parties ousted under a foreign grant which was afterwards rejected or did not include the land.

ACT 2851.

Public lands, protection of settlers on. [Stats. 1873-4, p. 327.]

Amended 1881, 72.

Cal.Rep.Cit. 184, 47.

See Political Code, secs. 3441, 3443.

ACT 2852.

For the better protection of settlers on the public lands of the United States and for the protection and encouragement of persons desirous of settling thereon. [Stats. 1887, p. 147.]

ACT 2853.

Pre-emption and homestead claimants, protection of. [Stats. 1873-4, p. 543.]

ACT 2854.

Public lands, bona fide settlers on, protection of. [Stats. 1873-4, p. 543.]

This act protected the rights of settlers on lands within the survey of a Mexican grant and which had been restored to the public domain.

ACT 2855.

To provide for the management and sale of lands belonging to the state. [Stats. 1867-8, p. 507.]

Amended 1869-70, 14, 814, 875. Supplemented 1869-70, 878.

Amended 1871-2, 883, 884, 885, 888.

Cal.Rep.Cit. 41, 181; 45, 357; 45, 692; 46, 189; 46, 390;
47, 182; 47, 227; 47, 240; 48, 28; 51, 475; 51, 587;
52, 181; 56, 223; 57, 585; 57, 586; 61, 207; 63, 308;
65, 636; 68, 542; 74, 111; 83, 105; 84, 615; 91, 33;
115, 333; 118, 385; 117, 457; 121, 523; 120, 699; 130, 615.

AMD'T 1869-70.

Cal.Rep.Cit. 47, 240; 47, 413; 51, 537; 52, 106; 58, 261;
63, 308; 64, 209; 68, 543; 134, 48.

This act repealed all prior acts. (Kings Co. v. Tulare Co., 119 Cal. 509, 512.) As to the effect of the Political Code upon it, see Reclamation District No. 3 v. Goldman, 61 Cal. 205.

ACT 2856.

Reservation from sale of certain land. [Stats. 1875-6, p. 679.]

This act reserved the north half of section 16, in township 7 south, and range 8 east, Mt. Diablo meridian.

ACT 2857.

Regulating the sale of lands uncovered by the recession or drainage of the waters of inland lakes. [Stats. 1893, p. 341.]

Amended 1899, 182.

Cal.Rep.Cit. 121, 505; 136, 492.

ACT 2858.

Salt-marsh and tide-lands, survey and disposition of. [Stats. 1873-4, p. 858.]

Supplementing and amending act of April 1, 1870. Repealed 1875-6, 15.

ACT 2859.

Sale of swamp lands, distribution of funds derived from. [Stats. 1873-4, p. 779.]

Cal.Rep.Cit. 119, 513.

ACT 2360.

To provide for applications for the purchase of sixteenth and thirty-sixth sections, to regulate the application for the purchase of such sections, and requiring a deposit to accompany all applications for the purchase of the same. [Stats. 1889, p. 434.]

ACT 2361.

Providing for examination into the sale and disposal of state lands. [Stats. 1875-6, p. 798.]

This act created a commission to hold office one year for the above purpose.

ACT 2362.

Making certificates of purchase or of location evidence of title. [Stats. 1859, p. 227.]

Supplemented 1859, 832. Amended 1867-8, 529.

Cal.Rep.Cit. 42, 297; 51, 45; 71, 24.

In True v. Thompson, 42 Cal. 293, it was held that this act was superseded and repealed by the act of 1868, 521, in so far as it made a certificate of location prima facie evidence of title. The act of 1868 was in turn repealed by the act of 1867-8, 530.

ACT 2363.

Legalizing applications to purchase state lands. [Stats. 1869-70, p. 352.]

Cal.Rep.Cit. 45, 450; 47, 240; 56, 223; 56, 558; 58, 541; 83, 105; 117, 464.

This statute validated sales under the act of March 28, 1868, where the affidavits were defective.

ACT 2364.

Legalizing purchase of lands belonging to state. [Stats. 1871-2, p. 622.]

ACT 2365.

School lands, act to legalize payments for. [Stats. 1871-2, p. 137.]

ACT 2366.

Respecting payment in full by holders of certificates of purchase of lands sold prior to March 27, 1872, and for which the said state has at any time heretofore issued certificates of purchase to subsequent purchasers. [Stats. 1889, p. 428.]

ACT 2367.

For the relief of purchasers of state lands. [Stats. 1871-2, p. 537.]

Amended 1877-8, 314.

ACT 2868.

To provide for the presentation and cancellation of unlocated school land warrants. [Stats. 1893, p. 181.]

ACT 2869.

Authorizing the governor and surveyor-general to sell and convey certain lands. [Stats. 1891, p. 251.]

Cal.Rep.Cit. 114, 112.

This act authorized the sale of certain lands to the claimants and occupants thereof.

ACT 2870.

Justice, John D., to cure defects in application of, to purchase lands. [Stats. 1877-8, p. 535.]

ACT 2871.

To authorize certain persons to remove improvements placed upon public lands after said lands have become private property. [Stats. 1867-8, p. 708.]

Declared unconstitutional. (Collins v. Bartlett, 44 Cal. 372.)

ACT 2872.

To enable purchasers of state lands to redeem them where their titles have been or may hereafter be foreclosed for non-payment of interest. [Stats. 1881, p. 65.]

TITLE 386.**PUBLIC PARKS.****ACT 2877.**

To authorize the common councils and boards of supervisors of the several cities, counties, and cities and counties in this state to levy taxes for the maintenance of public parks having an area of over ten acres each within their respective limits. [Approved March 8, 1887. Stats. 1887, p. 52.]

ACT 2878.

To enable incorporated "cities and counties" and "cities" and "towns" to acquire, maintain and improve public parks and boulevards. [Approved March 19, 1889. Stats. 1889, p. 361.]

Cal.Rep.Cit. 132, 374; 132, 375.

ACT 2879.

To provide for the maintenance and support of the public parks heretofore created within the various cities and

cities and counties of the state, and to amend the existing acts in relation thereto. [Approved March 14, 1889. Stats. 1889, p. 143.]

Amended 1893, 79, 343.

ACT 2890.

Authorizing the commissioners of any public park in this state, and especially the park commissioners of Golden Gate Park, in San Francisco, to accept donations and bequests in aid of the improvement and embellishment of their respective parks, and to invest the funds derived therefrom. [Approved March 9, 1885. Stats. 1885, p. 38.]

ACT 2881.

To authorize cities and towns owning public parks outside of their limits, to lay out, construct, and maintain roads, streets, and boulevards from the boundaries of such cities or towns to, into, and through such parks, and to acquire lands for that purpose. [Became a law, under constitutional provision, without governor's approval, March 1, 1897. Stats. 1897, p. 45.]

ACT 2882.

To extend the jurisdiction and authority of cities and towns over parks owned by them situated beyond the limits of such cities and towns, and over streets and avenues leading to the same. [Became a law, under constitutional provision, without the governor's approval, March 1, 1897. Stats. 1897, p. 47.]

ACT 2883.

Giving the consent of the state of California to the reservation of certain lands by congress. [Approved March 14, 1891. Stats. 1891, p. 107.]

This act granted the consent of the state to forest reservations.

TITLE 387.

PUBLIC WORKS.

Hours of labor on: See title Hours of Labor, ante.

ACT 2888.

Creating a commissioner of public works, defining his duties and powers, prescribing his compensation and making an appropriation. [Stats. 1893, p. 345.]

Amended 1897, 26. Repealed 1899, 157; 1900, 20.

Cal.Rep.Cit. 125, 414.

ACT 1899.

Creating a commissioner of public works, defining his duties and powers and fixing his compensation. [Stats. 1899, p. 157.]

Superseded by 1900, 20.

ACT 2890.

An act creating a commissioner of public works, defining his duties and powers, and fixing his compensation.

[Approved February 9, 1900. Stats. 1900, p. 20.]

The people of the state of California, represented in senate and assembly, do enact as follows:

Section 1. There is hereby created a commissioner of public works, to be appointed by the governor. He shall hold office for the term of four years, or until his successor shall be appointed and qualified. In case of vacancy occasioned by death, resignation or otherwise, the governor shall appoint his successor; provided, that any appointment made to fill a vacancy shall be only for the unexpired portion of the term for which the original appointment was made. Said officer, before entering upon the discharge of his duty, shall take and subscribe the official oath, and execute an official bond in the sum of six thousand dollars, to be approved by the governor, and filed and recorded in the office of the secretary of state as in the case of bonds of other state officials. Such commissioner shall receive a salary of three thousand (3,000) dollars per annum, payable in monthly installments, and shall be allowed his actual traveling and other necessary incidental expenses incurred while in the performance of official duties.

Sec. 2. The commissioner shall perform such duties in the examination of lands subject to inundation and overflow by flood-waters, and of the waters causing and making such inundation and overflow, and in the preparation of plans and estimates of cost for works to regulate and control such flood-waters, as he may be directed to perform from time to time by the governor; and such other duties in the examination, supervision, and management of public works, constructed or carried on by the state, or under state authority, or under any law of the state, as he may be directed to from time to time by law. He shall, subject to the approval of the auditing board, have the power to employ such engineers and assistants, as he may deem

necessary to carry out the provisions of this act, or to perform any duties imposed by any law upon said commissioner, and to fix their compensation subject to the approval of the board.

Sec. 3. An act entitled "An act creating a commissioner of public works, defining his powers and duties, prescribing his compensation, and making appropriation," approved March twenty-fourth, eighteen hundred and ninety-three; an act to amend an act entitled "An act creating a commissioner of public works, defining his duties and powers, prescribing his compensation, and making appropriation," approved March twenty-fourth, eighteen hundred and ninety-three, relating to the office of commissioner of public works," approved February twenty-fifth, eighteen hundred and ninety-seven, and all other acts and parts of acts in conflict with the provisions of this act, are hereby expressly repealed.

Sec. 4. This act shall take effect and be in force from and after its passage.

ACT 2891.

An act providing for the appointment of an auditing board to the commissioner of public works, authorizing and directing him and them to perform certain duties relating to drainage, to purchase machinery, tools, dredges, and appliances therefor, to improve and rectify water channels, to erect works necessary and incident to said drainage, to condemn land and property for the purposes aforesaid, making certain acts a felony, and making an appropriation of money for the purposes of this act.

[Approved March 17, 1897. Stats. 1897, p. 171.]

Amended 1900, 21; 1901, 91.

Cal. Rep. Cit. 125, 415.

The people of the State of California, represented in senate and assembly, do enact as follows:

Section 1. Within thirty days after the passage of this act, the governor shall appoint five persons who shall be citizens of the state of California, and not all members of the same political party, and who, after the first appointment, shall hold office for four years after their appointment, who shall be known as the auditing board to the commissioner of public works. They must, within fifteen

days after receiving notice of their appointment, meet in the city of Sacramento and organize by selecting from their number a president and secretary. But of those appointed under this act, the term of office of two shall be for two years, and the term of the others for four years, and the governor shall designate, in their commissions, their respective terms. Thereafter all shall be appointed for four years. All vacancies shall be filled in like manner by appointment from the governor, but the person appointed to fill a vacancy shall fill only the unexpired term. No member thereof shall recover any compensation whatever, but they may be paid their reasonable traveling expenses in attending meetings, to be audited by the board of examiners. They shall meet at Sacramento City once in two months, and oftener if required.

Sec. 2. For the purposes of this act, the report of the commissioner of public works, dated November sixteenth, eighteen hundred and ninety-six, and accompanying reports and plans of engineers, shall be adopted and made the basis of operations, and the plans therein specified for promoting drainage and improving and rectifying river channels shall, as far as practicable, be carried out and finished as herein provided. In addition to the work outlined and described in said report, the said commissioner of public works and board of auditors are hereby authorized and empowered to perform other further and additional work upon the Sacramento River, the San Joaquin, Feather, Yuba, Bear, Mokelumne, and Tuolumne rivers, and Petaluma, Alviso, and Napa creeks, and upon all tide waters entering and flowing into the bays of San Pablo, Suisun, and San Francisco, and also upon the navigable creeks, rivers, and sloughs of the state of California, of a character and nature similar to that outlined and described in said report, for the purpose of promoting drainage, rectifying channels, and improving navigation. [Amendment became a law under constitutional provision without governor's approval, March 2, 1901. Stats. 1901, p. 91. In effect immediately.]

Sec. 3. The commissioner of public works shall have charge and superintendence of all work authorized by this act, and shall employ and direct all employees, but no expenditure shall be made without the sanction of the auditing board. The commissioner of public works shall

determine the character and extent of the work to be done in accordance with the said report, and shall have full power to carry on and complete the same.

Sec. 4. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, the sum of three hundred thousand dollars, to be paid to the said auditing board, and to be expended for the purposes hereinafter specified, to wit: for the purchase, construction, and operation of one or more dredgers, or machines, and appliances to improve and rectify the river channels of the state of California, so as to promote drainage and to protect towns and cities of the state of California from inundation, as outlined and described in the said report of commissioner of public works; to erect, build, and construct embankments, and other works, where necessary, for carrying out the purposes of this act; to employ persons in and about said work, and to purchase such supplies as may be necessary for the carrying on of the same, and for doing all other work described in said report, to improve and rectify river channels so as to promote drainage.

Sec. 5. The commissioner of public works shall have power to employ such persons in and about said work as the auditing board may determine to be necessary, at a compensation to be fixed by the auditing board. All contracts for the purchase of material and supplies, or for such work as can be done by contract, where the expense thereof shall exceed the sum of five hundred dollars, shall be awarded to the lowest bidder, at a public letting thereof, and after a notice to bidders to be published in one newspaper published in the city of Sacramento, one in Stockton, and one in San Francisco, for at least one week; provided, that at least two weeks shall intervene between the last publication of said notice, and the time for opening bids; provided, the said bid is a fair and reasonable one. All bids required by this act shall be accompanied by such security as the auditing board may require, conditioned upon the bidder entering into a contract upon the terms of his bid, on notice of the acceptance thereof, and furnishing a penal bond, with good and sufficient sureties, in such sum as the auditing board may require, and to their satisfaction, that he will faithfully perform his contract. If all the bids made at such letting are deemed

unreasonably high, the board may, in their discretion, decline to contract, and may again advertise for such time and in such papers as they see proper, for proposals, and may so continue to renew the advertisement until satisfactory contracts are made; and in the mean time the board may contract for articles and supplies for immediate and temporary use, with any one whose offer is regarded as just and equitable, or may purchase in the open market. No bid shall be accepted, nor a contract entered into in pursuance thereof, when such bid is higher than any other bid at the same letting for the same class or schedule of articles, quality considered, and when a contract can be had at such lower bid. When two or more bids for the same article or articles are equal in amount, the board may select the one which, all things considered, may by them be thought best for the interest of the state, or they may divide the contract between the bidders as in their judgment may seem proper and right. The board shall have power to let a contract in the aggregate, or they may segregate the items, and enter into a contract with the bidder or bidders who may bid lowest on the several articles. The board shall have the power to reject the bid of any person who had a prior contract and who had not, in the opinion of the board, faithfully complied therewith. If, however, any sudden emergency should arise, rendering it necessary, in the judgment of the auditing board, to protect works already completed, or to prevent any work in process of construction being damaged by storms or flood-waters, that immediate repairs or work should be done, the said commissioner of public works shall have power to perform such work, or make such repairs, in the manner which to him seems most advisable.

Sec. 6. It will not be necessary to obtain the sanction of any other board or officer for the doing of any work, or the letting of any contract, except as herein specified, but all claims shall be audited by the state board of examiners as provided for by law.

Sec. 7. The auditing board may condemn the right of way necessary for the purpose of doing the work outlined and described in said report of the commissioner of public works, and may purchase or condemn all land and material necessary to carry out such plans of drain-

age, and may generally connect with, enlarge or strengthen any work of construction, and may condemn any lands which may be by them deemed necessary for the purposes of the act, and it is hereby declared that such purposes are a public use and that said appropriation is for the public benefit; provided, however, that they shall not interfere with any existing reclamation work or cut ditches or drains without the consent of the board of trustees thereof on, in, or over any lands situated in any swamp land, reclamation, levee, or protection district.

Sec. 8. Whenever the auditing board cannot procure from the owner or owners thereof, without purchase, the right of way or material needed for the construction of such works as are described in the said report of the commissioner of public works, or cannot procure the consent to join or connect with any existing works, or procure lands necessary for the construction and completion of the said system and plan described in said report, the said auditing board may, in their own name or in the name of the state of California, proceed to condemn the same under the provisions of title seven, part three, of the Code of Civil Procedure, and amendments thereto, which are now existing or which may hereafter be made; provided, that cities, towns, levee districts, swamp land districts, reclamation districts, protection districts, and all municipal corporations having levees, reclamation, or protection works shall have and retain the exclusive management and control thereof, subject to the right to connect the work as herein provided.

Sec. 9. Any member of the auditing board, or the commissioner of public works, or any appointee or employee of either, who shall be interested in any contract for the construction of any work provided for by this act, shall be guilty of a felony.

Sec. 10. Nothing contained in this act shall in any manner affect the laws in force in reclamation and levee districts, nor shall any levees be condemned nor purchased under the provisions of this act.

Sec. 11. The controller is hereby directed to draw his warrant in favor of the said auditing board for the amount appropriated by this act, and the treasurer is hereby directed to pay the same.

Sec. 12. All acts and parts of acts in conflict with this act are hereby repealed.

Sec. 13. This act shall take effect immediately from and after its passage.

ACT 2692.

An act authorizing the commissioner of public works to obtain a right of way for a canal to divert the waters of Mormon channel into the Calaveras River, to maintain condemnation suits therefor, and making an appropriation to pay for said right of way and the costs and expenses of obtaining the same.

[Approved March 25, 1903. Stats. 1903, p. 476.]

The people of the state of California, represented in senate and assembly, do enact as follows:

Section 1. The commissioner of public works is hereby authorized to obtain, either by purchase or condemnation suits, a right of way for a diverting canal from the Mormon channel to the Calaveras River east of the city of Stockton, in San Joaquin County, and along the channel of said Calaveras River as far as may be necessary according to the surveys for such canal, adopted by the United States government, and to employ such counsel and other assistance as may be necessary to conduct such suits and obtain said right of way and to fix the compensation of such counsel and such assistance.

Sec. 2. The sum of sixty thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, to pay for said right of way and the costs of obtaining the same, to be paid to the auditing board to the commissioner of public works, to be expended for the purposes in this act specified.

Sec. 3. The controller is hereby directed to draw his warrant in favor of said auditing board for the amount appropriated by this act, and the treasurer is hereby directed to pay the same.

Sec. 4. This act shall take effect from and after the first day of January, A. D. nineteen hundred and four.

ACT 2693.

To provide for, insure, and maintain preference in the appointment, employment, and retention in the public service, and upon public works of the state of

California, of honorably discharged ex-Union soldiers, sailors, and marines of the war of the rebellion. [Approved March 31, 1891. Stats. 1891, p. 289.]

ACT 2894.

An act fixing the minimum rate of compensation for labor on public work.

[Approved March 9, 1897. Stats. 1897, p. 90.]

Cal.Rep.Cit. 127, 102; 136, 532.

The people of the state of California, represented in senate and assembly, do enact as follows:

Section 1. The minimum compensation to be paid for labor upon all work performed under the direction, control, or by the authority of any officer of this state acting in his official capacity, or under the direction, control, or by the authority of any municipal corporation within this state, or of any officer thereof acting as such, is hereby fixed at two (2) dollars per day; and a stipulation to that effect must be made a part of all contracts to which the state, or any municipal corporation therein, is a party; provided, however, that this act shall not apply to persons employed regularly in any of the public institutions of the state, or any city, city and county, or county.

Sec. 2. This act shall take effect immediately.

ACT 2895.

An act to secure the payment of the claims of material-men, mechanics, or laborers, employed by contractors upon state, municipal, or other public work.

[Approved March 27, 1897. Stats. 1897, p. 201.]

The people of the state of California, represented in senate and assembly, do enact as follows:

Section 1. Every contractor, person, company, or corporation, to whom is awarded a contract for the execution or performance of any building, excavating, or other mechanical work, for this state, or by any county, city and county, city, town, or district therein, shall, before entering upon the performance of such work, file with the commissioners, managers, trustees, officers, board of supervisors, board of trustees, common council, or other body by whom such contract was awarded, a good and sufficient

bond, to be approved by such contracting body, officers, or board, in a sum not less than one-half of the total amount payable by the terms of the contract; such bond shall be executed by the contractor, and at least two sureties, in an amount not less than the sum specified in the bond, and must provide that if the contractor, person, company or corporation, fails to pay for any materials or supplies furnished for the performance of the work contracted to be done, or for any work or labor done thereon of any kind, that the sureties will pay the same, in an amount not exceeding the sum specified in the bond; provided, that such claims shall be filed as hereafter required.

Sec. 2. Any materialman, person, company, or corporation, furnishing materials or supplies, used in the performance of the work contracted to be executed or performed, or any person who performed work or labor upon the same or any person who supplies both work and materials, and whose claim has not been paid by the contractor, company, or corporation, to whom the contract has been awarded, shall, within thirty days from the time such work is completed, file with the commissioners, managers, trustees, officers, board of supervisors, board of trustees, common council, or other body by whom such contract was awarded, a verified statement of such claims, together with a statement that the same has not been paid. At any time within ninety days after the filing of such claim, the person, company, or corporation filing the same may commence an action against the sureties on the bond, specified and required by section one hereof.

Sec. 3. This act shall take effect immediately.

ACT 2896.

An act to regulate the erection of public buildings and structures.

[Approved April 1, 1872. Stats. 1871-2, p. 925.]

Cal.Rep.Cit. 122, 297.

Plans and specifications—Advertisement.

Section 1. When by any statute of this state power is given to any state or county officer or officers, or to any board of supervisors or corporation, or any board of trustees or commissioners, or other person or persons created or appointed by authority of any such statute, to erect, or

cause to be erected or constructed, any state or county or other building or structure, it shall be the duty of said officer or officers, board of supervisors, corporation, or board of trustees, or commissioners, or other person or persons, to advertise for plans and specifications in detail for said building or other structure, and to state in said advertisement the amount authorized by law or otherwise to be expended for the erection of said building or structure; and also the premium to be awarded to the architect whose plans and specifications for the same may be adopted.

Architect's bond for contract.

Sec. 2. Whenever the plans and specifications of any architect shall be adopted, such officer or officers, board of supervisors, or corporation, or board of trustees or commissioners, or other person or persons so adopting the same, shall, before any premium shall be awarded for such plans and specifications, require such architect to execute and file with such officer or officers, board of supervisors, corporation, or board of trustees or commissioners, or other person or persons, a good and sufficient bond, with two sufficient sureties thereto, in the penal sum of five thousand dollars, to be approved by such officer or officers, board of supervisors, corporation, or board of trustees, or commissioners, or other person or persons, as the case may be, and conditioned that within sixty days from the date of said bond he will, on presentment to him, enter into a contract containing such provisions and conditions as may be required by such officer or officers, board of supervisors, corporation, or board of trustees, or commissioners, or other person or persons; and also conditioned that he will give such further bond to secure the faithful performance of such contract, with such sureties as may be required of him, in the event that such officer or officers, board of supervisors, corporation, or board of trustees or commissioners, or other person or persons, so acting under authority of law, should, within said sixty days, require said architect to enter into such contract to erect such building or structure, at the price named in said advertisement to be expended for such purpose. In case said architect whose plans and specifications are adopted should enter into such contract, it shall be the duty of such officer or officers, board of super-

visors, corporation, or board of trustees or commissioners, or other person or persons, to employ a competent architect or superintendent to superintend the erection of such building or structure, and to see that such plans and specifications are faithfully carried out.

When contracts void.

Sec. 3. All contracts entered into by such officer or officers, board of supervisors, corporation, board of trustees, commissioners, or other person or persons, in violation of the provisions of this act, shall be null and void.

Sec. 4. This act shall take effect and be in force from and after its passage.

Superseded as to state officers and works by the following act:—
ACT 2897.

An act to regulate contracts on behalf of the state, in relation to erections and buildings.

[Approved March 23, 1876. Stats. 1875-6, p. 427.]

Amended 1891, 457; 1895, 237.

Cal.Rep.Cit. 111, 582; 111, 587.

Before contracting, plans to be furnished.

Section 1. That in all cases where the commissioners, directors, trustees, or other officer or officers, to whom is confided by law the duty of devising and superintending the erection, alteration, addition to, or improvement of any state institution, asylum, or other improvement, erected, or now being erected, or to be erected, by the state, such commissioners, directors, trustees, or other officer or officers, before entering into any contract for the erection, alteration, addition to, or improvement of such institution, asylum, or other improvement, or for the supply of materials therefor, the aggregate cost of which erection, alteration, addition, or improvement, and materials therefor, exceed the sum of three thousand dollars, shall make, or procure to be made, a full, complete, and accurate plan or plans of such institution, asylum or other improvement, or of any addition to, or alteration or improvement thereof, in all its parts, showing all the necessary details of the work, together with working plans suitable for the use of the mechanics or other builders during the construction thereof, so drawn and represented as to be plain and easily understood; and also accurate

bills, showing the exact amount of all the different kinds of materials necessary in the erection thereof, addition thereto, or in the alteration or improvement thereof, to accompany said plan or plans; and also full and complete specifications of the work to be done, showing the manner and style in which the same will be required to be done, giving such directions for the same as will enable any competent mechanic or other builder to carry them out, and afford the bidders all needful information to enable them to understand what will be required in the erection, addition to, alteration, or improvement of such institution, asylum, or other improvement; and to make, or cause to be made, a full, accurate, and complete estimate of each item of expense, and the entire aggregate cost of such institution, asylum, or other improvement, or of any addition to, alteration or improvement thereof, when completed.

Plans, etc., to be approved by governor, treasurer, and secretary of state.

Sec. 2. That such plans, drawings, representations, bills of materials, and specifications of work, and estimates of the cost thereof, in detail and in the aggregate, as are required in the first section of this act to be made, shall be, when made, submitted to the governor, state treasurer, and secretary of state, for their approval, and if approved by them, a copy thereof shall be deposited and safely kept in the office of controller of state.

Sealed proposals, notice of.

Sec. 3. That after such plans, descriptions, bills of materials, and specifications and estimates as are in this act required are made and approved, in accordance with the requirements of this act, it shall be and is hereby made the duty of such commissioners, directors, trustees, or other officer or officers to whom the duty of devising and superintending the erection, addition to, alteration, or improvement of such institution, asylum, or other improvement as in this act provided, to give or cause to be given public notice of the time and place when and where sealed proposals will be received for performing the labor and furnishing the materials necessary to the erection of such institution, asylum, or other improvement, or for the adding to, altering, or improvement thereof, and a contract

or contracts based on such sealed proposals will be made, which notice shall be published weekly for four consecutive weeks next preceding the day named for the making of such contract or contracts, in the paper having the largest circulation in the county where the work is to be let, and in three daily papers having the largest circulation and published one in each of the cities of Los Angeles, Sacramento, and San Francisco; and shall state when and where such plan or plans, descriptions, bills, and specifications can be seen, and which shall be open to public inspection at all business hours between the date of such notice and the making of such contract or contracts. The aforesaid notice must state that separate bids will be received and separate contracts let for the performance of each of the following parts of said erection, addition, alteration, or improvement, including the furnishing of materials and labor necessary therefor, viz.: first, for the masonry work, including all brick, stone, terra cotta, and concrete work, and all necessary excavations and filling; second, for the iron work; third, for the carpenter, plastering, electric, and glazing work; fourth, for the plumbing and gas-fitting work; fifth, for the heating work; sixth, for the tinning, galvanized iron, and slating work; and seventh, for the painting and graining work; and there shall be in all such cases as many separate contracts let therefor as there are different kinds of work, according to the foregoing classification, whether the same be let by the state board of harbor commissioners or any other of the aforesaid commissioners, directors, trustees, or other officer or officers. [Amendment approved March 27, 1895. Stats. 1895, p. 237. In effect immediately.]

Bond that contractor will perform contract.

Sec. 4. That on the day named in said public notice, said commissioners, directors, trustees, or officer or officers, as aforesaid, shall proceed to publicly open said sealed proposals, and shall award such contract or contracts for doing the work and furnishing materials for the same to the lowest bidder, giving responsible bonds; provided always, that no proposals shall be considered unless accompanied with a bond of said proposer, equal to ten per cent of his proposal, with sufficient sureties, conditioned that if said proposal shall be accepted the party proposing will duly enter into a proper contract, and

faithfully perform his or their contract or contracts, in accordance with said proposal, and the plan or plans, specifications, and descriptions, which shall be and are hereby made a part of such contract or contracts; and provided further, that such contract or contracts shall not be binding on the state until they are submitted to the attorney-general, and by him found to be in accordance with the provisions of this act, and his certificate thereon to that effect made; and provided further, that if in the opinion of such commissioners, directors, trustees, or other officer or officers, the acceptance of the lowest bid or bids shall not be for the best interests of the state, it may be lawful for them, with the written advice and consent of the governor, state treasurer, and secretary of state, to accept such proposal or proposals opened, as in their opinion may be better for the interests of the state, or reject all proposals and advertise for others in the manner aforesaid. All contracts shall provide that such commissioners, directors, trustees, or other officer or officers may, as hereinafter provided, and on the conditions stated, make any change in the work or materials.

No change in plan to be made unless approved as original.

Sec. 5. That no change of the plan or plans, descriptions, bills of materials, or specifications which shall either increase or decrease the cost of said institution, asylum, building, or improvement, exceeding the sum of one thousand dollars, shall be made or allowed after they are once approved and filed with the controller of state as herein required, until such proposed change shall have received the approval of the governor, state treasurer, and secretary of state; and when so approved, the plan or plans of such change, with the description thereof, and the specifications of the work, and bills of material, shall be filed with the controller of state in the same manner as required before such change was made; and no allowance whatever shall be made for work performed or materials furnished under such change of plan or plans, or descriptions, or specifications, or bills of materials, unless, before such labor is performed and materials furnished, a contract or contracts therefor is made in writing, which contract or contracts shall show distinctly the nature of such change, and shall be subject to all the conditions and provisions herein imposed upon

the original contracts, and be subject also to the approval of the attorney-general as hereinbefore provided; provided, that all changes in the contract exceeding five hundred dollars shall be by contracts in writing, with full specifications and estimates, and shall become a part of the original contract, and shall be filed with the controller of state, with the original contract; and provided further, that the amount of such change in the contract, plans, descriptions, bills of materials, or specifications shall not, in the aggregate, increase the cost of construction of said institution, asylum, building, or improvement more than three per centum of the original contract price or cost.

Whole cost not to exceed amount authorized by law.

Sec. 6. That no contract or contracts shall be made for the labor or material herein provided for at a price in excess of the entire estimate thereof in this act required to be made, and the entire contract or contracts shall not, including estimates of expenses for architects and otherwise, exceed in the aggregate the amount authorized by law for such institution, asylum, building, or other improvement, or such addition to, or alteration or improvement thereof, under the penalties of section ten of this act hereinafter provided.

Directors, etc., to estimate labor and materials, and amount due.

Sec. 7. At the time or times named in the contract or contracts made and filed with the controller of state, or which has been previously made and filed with him, in accordance with the provisions of this act, for payment to the person or persons with whom such contract or contracts had been made, it shall be and is hereby made the duty of the commissioners, directors, trustees, or other officer or officers, to whom is confided the duty of superintending the erection of such institution, asylum, building, or improvement, or adding to, altering, or improving the same, to make or cause to be made a full, accurate, and detailed estimate of the various kinds of labor performed and materials furnished under such contract or contracts, with the amount due for each kind of labor and materials, and the amount due in the aggregate, which estimate shall be based upon an actual measurement of the labor so performed and materials so furnished, which

estimate shall, in all cases, give the amounts of the preceding estimate or estimates, and the amount of labor performed and materials furnished since the last estimate, which estimate or estimates so made, as in this act required, shall be recorded in a book for that purpose to be provided and kept, or caused to be kept, by the said commissioners, directors, trustees, or other officer or officers, and a certified copy thereof, addressed to the controller of state by the said commissioners, directors, trustees, or other officer or officers, or by such person as they may designate for that purpose, be delivered to the contractor or contractors, entitled thereto; provided, that upon all estimates of materials furnished and delivered, and not actually having entered into and become a part of said institution, building or other improvement, there shall not be paid, until the same shall be incorporated into and become a part of said institution, building, or other improvement, exceeding fifty per centum of such estimated value.

Controller to compare estimate with contract.

Sec. 8. It shall be the duty of the controller of state, on the receipt of such estimate so certified and approved, to compare, carefully the same with the contract or contracts under which labor was done or materials furnished, and if there had been any previous estimates, then with such estimates; and if, upon such comparison, he shall find such last-named estimate in all respects correct, he shall number the same, place it on file, and have a record thereof made, and give to the person or persons entitled thereto, taking his or their receipt therefor, a warrant on the treasurer of state for the amount shown by such estimate or estimates to be due, less the amount of ten per centum thereon, which shall be retained as an additional security for the faithful performance of his or their contract or contracts, and shall be forfeited to the state in the event of a failure of such contractor or contractors to conform in good faith to the terms and conditions of such contract or contracts; but when the labor to be performed and materials furnished, under such contract or contracts, is performed and furnished, and a final estimate thereof made, the controller of state shall include in the warrant or warrants for the amount of such last estimate the percentage retained on former estimates.

Sec. 9. The treasurer of state shall pay the warrants issued by the controller of state, under and by virtue of the provisions of this act, placing the same on file, and keeping a register of the names of the person or persons to whom such warrants are paid.

Officer making fraudulent plans or estimates.

Sec. 10. Any commissioner, director, trustee, or other officer or person otherwise appointed, whose duty it is to superintend, in whole or in part, the erection of such institution, asylum, building, or improvement, or of adding to, altering, or the improvement thereof, or the making of the plans, descriptions, and specifications of the labor to be performed and materials to be furnished, as provided in this act, and the estimates of the cost thereof, or the estimates of the amount of labor done and materials furnished from time to time, under and in accordance with the terms and conditions of the contracts in this act authorized to be made, and the provisions of this act, who shall, in the performance of the duty herein imposed upon him or upon them, knowingly make incomplete or fraudulent plans, drawings, bills of materials, specifications of work, or estimates of the cost thereof, or permit the work in any other manner than is prescribed in such plans, descriptions, and specifications, or with materials inferior to that required by such bills of materials, to the injury of the state; or shall knowingly make false estimates of the labor done or materials furnished, either in the quantity, or price thereof, to the injury of the state; or any contractor, or any agent of any contractor or contractors, who shall knowingly permit materials to be used or work to be done inferior to, or in violation of, the contract of such contractor or contractors, to the injury of the state, shall be deemed and held guilty of a felony, and upon conviction thereof shall be confined in the state prison for not less than one year nor more than five years, and be liable to the state for double the amount the state may have lost, or be liable to lose, by reason thereof.

Attorney-general to enforce contracts.

Sec. 11. It shall be the duty of the attorney-general to have charge of and direct all the proceedings necessary to enforce the contracts authorized by this act and the provisions of this act, against such person or persons as become liable to the penalties herein prescribed.

Officers to require diligence in contractor.

Sec. 12. Whenever, in the opinion of the commissioners, directors, trustees, or other officers charged with the duty of devising and superintending the erection, alteration, addition to, or improvement of any state institution, asylum, building, or other improvement under this act, or any law of this state, the work under any contract made in pursuance of this act, or any such law, is neglected by the contractor or contractors, or that the same is not prosecuted with the diligence and force specified, meant, or intended in and by the terms of the contract, it shall be lawful for such commissioners, directors, trustees, or other officers to make a requisition upon such contractor or contractors for such additional specific force, or for such additional specific materials, to be brought into the work under such contract, or to remove improper materials from the grounds, as in the judgment of such commissioners, directors, trustees, or other officers, said contract and its due and faithful fulfillment require; of which action of said board or other officers, due notice in writing of not less than five days, shall be served upon such contractor, or his or their agent having charge of the work. And if such contractor or contractors fail to comply with such requisition within fifteen days, it shall be lawful for said commissioners, directors, trustees, or other officers, with the consent, in writing, of the governor, treasurer of state, and secretary of state, to employ upon such work the additional force, or supply the materials so specifically required as aforesaid, or such part of either as they may deem proper, and to remove improper materials from the grounds; and it shall be the duty of such commissioners, directors, trustees, or other officers, to make separate estimates of all such additional force or materials so employed or supplied as aforesaid, and which, being certified to by said commissioners, directors, trustees, or other officers, shall be paid by the controller of state the same as if made out agreeably to section seven of this act, and the amount so paid shall be charged against said contractor or contractors, and deducted from his or their next, or any subsequent, estimate; or the same, or any part thereof, not paid as aforesaid, may be recovered by action from such contractor or contractors, and their sureties.

Time to be fixed for completion of contract.

Sec. 13. In all contracts made under the provisions of this act, there shall be a provision in regard to the time when the whole, or any specified portion, of the work contemplated in said contract shall be completed, and also providing that for each and every day the same shall be delayed beyond such time or times so named, the said contractor or contractors shall forfeit and pay to the state a sum of money, to be fixed and determined in said contract, to be deducted from any payment or payments due, or to become due, to said contractor or contractors.

Applicable to former contracts.

Sec. 14. All contracts now made and not performed, for the erection, alteration, addition to, or improvement of any state institution, asylum, building, or other improvement, shall, as far as practicable, be performed, completed, and enforced and settled for under this act, or may, by the consent of the contracting parties, be made to conform to and proceed under the provisions of this act.

Sec. 15. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

Sec. 16. This act shall take effect from and after its passage.

ACT 2898.

An act to provide for the completion of all unfinished county, city, city and county, town, and township buildings in the several counties, cities and counties, cities, and towns, throughout the state of California.

[Approved March 10, 1887. Stats. 1887, p. 95.]

Amended 1891, 83; 1893, 126; 1895, 166.

Cal.Rep.Ck. 96, 290; 128, 129.

Construction of unfinished buildings.

Section 1. In the event that the board of supervisors of the several counties, cities, and cities and counties of the state of California shall deem it expedient to continue the construction of any unfinished county, or city and county, or town, or township building or buildings now in the process of construction, they are hereby authorized and empowered to express such judgment, by resolution or order, in such form as they may deem proper; and for the purpose of raising the money necessary to com-

plete said building or buildings the board of supervisors of the several counties, cities, and cities and counties of the state of California are hereby authorized and empowered to levy and collect, annually, for the fiscal year commencing July first, eighteen hundred and eighty-seven, and ending June thirtieth, eighteen hundred and eighty-eight, and each and every fiscal year thereafter during the eight fiscal years next ensuing, in the same manner and at the same times as other taxes in said counties, cities, and towns, and townships, and cities and counties are levied and collected, an ad valorem property tax on real and personal property within the said counties, or cities and counties, cities, towns, and townships, of ten cents on each one hundred dollars of value, as shown by the assessment rolls of said counties, cities, cities and counties, towns, and townships for the current fiscal year; provided, the moneys raised under the provisions of this act shall be expended only in the manner and for the purposes authorized by law or by the act or acts authorizing the construction of the building or buildings; and provided further, that no part of said moneys shall be used for the purchase of carpets, furniture, fixtures, or other office furnishings of the rooms or offices completed and in use at the time of the passage of this act, nor for any furniture or other office fixtures or furnishings for the rooms or offices yet to be completed, save and except such office fixtures as are usually affixed to and constitute a part of the permanent structure or arrangement of such offices or rooms; and it is further provided, that whenever, in the judgment of the board of supervisors of the several counties, cities, and cities and counties of the state of California, or of any person or persons, board, or commission having charge of any building or buildings now in the process of construction, it shall be deemed necessary for the preservation of the building or buildings, or convenient occupation thereof, or the improvement or maintenance of sanitary conditions therein, or the protection of life, to make repairs on said building or buildings, or alterations thereof not inconsistent with the accepted plan of the building or buildings, the board of supervisors, person or persons, board, or commission having legal charge of the same, shall have the power to expend in any one year on such repairs or alterations, exclusive of the cost of repairs or alterations on

the roof or roofs thereof, the sum of ten thousand dollars, and no more; which sum may be expended without regard to any of the requirements of any act or acts authorizing the construction of the building or buildings, if the amount expended at any one time does not exceed the sum of one thousand dollars; but whenever an expenditure in excess of the sum of one thousand dollars should be required, it shall be made according to the provisions of the act or acts authorizing the construction of the building or buildings. [Amendment approved March 26, 1895. Stats. 1895, p. 166. In effect immediately.]

Sec. 2. All laws now in force, except in so far as they relate to the levy and collection of taxes for the completion of any county, or city and county, or city, or towns, or townships building or buildings, are hereby continued in full force and effect.

ACT 2899.

An act concerning the completion of unfinished public buildings in any county, city, city and county, or town in this state, and permitting alterations of the original plans or designs for the construction thereof.

[Approved March 26, 1895. Stats. 1895, p. 165.]

The people of the state of California, represented in senate and assembly, do enact as follows:

Section 1. Where there are any unfinished public building or buildings now in process of construction in any county, city, city and county, or town in this state, the board of supervisors or other governing body of any county, city, city and county, or town, or any commission created by an act of the legislature, having in charge the construction of such unfinished building, shall have the right in the construction thereof to omit from the original or adopted plan therefor such part or parts as in their judgment they shall deem necessary to be left out; provided, no contract has been let for the construction of such part or parts. If, in the judgment of such officers, the public good requires, they may let contracts according to law for the construction, in whole or in part, of the unfinished portions of such public building or buildings in accordance with such altered plan. When the same shall have been constructed in accordance with such altered plan, the building shall be deemed to have been completed.

Sec. 2. Whenever, during the construction of such public building or buildings, changes in the original plans or designs have heretofore been made, and contracts for the construction of the work, in whole or in part, in accordance with the altered plans or designs, have been entered into by the board of supervisors, or other governing body of any county, city, city and county, or town, or by the commission having the construction thereof in charge, the said alteration of the original plans or designs that have been made and contracts for same that have been entered into, are hereby ratified, approved, and confirmed.

Sec. 3. This act shall take effect from and after its passage.

ACT 2909.

An act authorizing the incurring of indebtedness by cities, towns, and municipal corporations, incorporated under the laws of this state, for the construction of water-works, sewers, and all necessary public improvements, or for any purpose whatever, and to repeal the act approved March 9, 1885, entitled "An act to authorize municipal corporations of the fifth class, containing more than three thousand and less than ten thousand inhabitants, to obtain water-works"; also to repeal an act approved March 15, 1887, entitled "An act authorizing the incurring of indebtedness by cities, towns, and municipal corporations, incorporated under the laws of this state."

[Approved March 19, 1889. Stats. 1889, p. 399.]

Amended 1891, 84, 94, 132; 1898, 91.

Of the last amendment, the code commissioners say: "This latter amendment attempted to be repealed by 1897, 97, but such repeal declared unconstitutional in *City of Los Angeles v. Hance*, 122 Cal. 78."

Municipal corporations may incur indebtedness.

Section 1. Any city, town or municipal corporation, incorporated under the laws of this state, may, as hereinafter provided, incur indebtedness to pay the cost of any municipal improvement, or for any purpose whatever requiring an expenditure greater than the amount allowed for such improvement by the annual tax levy.

Manner of procedure.

Sec. 2. Whenever the legislative branch of any city,

town, or municipal corporation shall, by ordinance passed by a vote of two thirds of all its members, and approved by the executive of said city, town, or municipal corporation, determine that the public interest or necessity demands the acquisition, construction, or completion of any municipal buildings, bridges, water-works, water-rights, sewers, or other municipal improvements, the cost of which will be too great to be paid out of the ordinary annual income and revenue of the municipality, they may, after the publication of such ordinance for at least two weeks in some newspaper published in such municipality, and at their next regular meeting after such publication, or at an adjourned meeting, by ordinance passed by a vote of two thirds of all its members, and also approved by the said executive, call a special election and submit to the qualified voters of said city, town, or municipal corporation, the proposition for the purpose set forth in the ordinance, and no question other than the incurring of indebtedness for said purpose shall be submitted. The ordinance calling such special election shall recite the objects and purposes for which the indebtedness is proposed to be incurred, the estimated cost of the proposed public improvement, the necessity for such improvement, and that bonds of the municipality shall issue for the payment of the cost of such improvement, as in such ordinance set forth, if the proposition be accepted by the qualified voters, as hereinafter provided, and shall fix the day on which such special election shall be held, the manner of holding such election, and the voting for or against incurring such indebtedness; such election shall be held as provided by law for holding such elections in such city, town, or municipal corporation; provided, however, that where by the terms or provisions of the charter of any city, town, or municipal corporation, the cost of making the proposed improvements is to be or must be paid from a special fund created by such charter for that purpose, the proposition of incurring such an indebtedness may be submitted to the qualified voters at any general election for officers of the state of California or of such city, town, or municipal corporation. [Amendment approved March 11, 1891. Stats. 1891, p. 94.]

Publication of intention to incur indebtedness.

Sec. 3. Such ordinance shall be published once a day

for at least ten days, or once a week for two weeks, before the publication of the notice of the special election, in some newspaper published in such municipality. After said publication, said legislative body shall cause to be published, for not less than two weeks, in at least one of the newspapers published in such municipality, a notice of such special election, the purpose for which the indebtedness is to be incurred, the number and character of the bonds to be issued, the rate of interest to be paid, and the amount of tax levy to be made for the payment thereof. It shall require the votes of two thirds of all the voters voting at such special election to authorize the issuance of the bonds herein provided.

Plans and estimates of improvements.

Sec. 4. It shall be the duty of the legislative branch of any municipality contemplating permanent public improvements, to first have plans and estimates of the cost of such improvements, made by a competent engineer or architect who has had successful experience in such work, before the question of incurring an indebtedness for such improvement is submitted to vote.

Limit of indebtedness.

Sec. 5. No city, town, or municipal corporation shall incur an indebtedness for public improvements which shall, in the aggregate, exceed fifteen per cent of the assessed value of all the taxable real estate and personal property of such city, town, or municipal corporation. [Amendment approved March 11, 1891. Stats. 1891, p. 84.]

Character of bonds.

Sec. 6. All municipal bonds for public improvements issued under the provisions of this act shall be of the character of bonds known as serials, and shall be payable in gold coin or lawful money of the United States, in the manner following: One fortieth part of the whole amount of indebtedness shall be paid each and every year, on a day and at a place to be fixed by the legislative branch of the municipality issuing the bonds, together with the interest on all sums unpaid at such date. The bonds shall be issued in such denominations as the legislative branch of the municipality may determine, except that no bonds shall be of a less denomination than one hundred dollars nor of a greater denomination than one thousand dollars

each, payable on the day and at the place fixed in such bond, and with interest at the rate specified in the bond, which rate shall not be in excess of the legal rate of the state of California, and may be payable annually or semi-annually. Such bonds may be issued and sold by the legislative branch of the city, town, or municipal corporation, as they may determine, at not less than their face value, in gold coin of the United States, and the proceeds of such sale shall be placed in the municipal treasury to the credit of the proper improvement fund, and shall be applied exclusively to the purposes and objects mentioned in the ordinance, until such objects are fully accomplished, after which, if any surplus remains, such surplus shall be transferred to the general fund of such municipality. [Amendment approved March 1, 1893. Stats. 1893, p. 61. In effect immediately. Repealed all conflicting acts.]

This section was in turn repealed by the act of March 9, 1897, Stats. 1897, p. 75. This repeal was declared unconstitutional. See note at head of this act.

Rate of interest.

Sec. 7. The legislative branch of any city, town, or municipal corporation, issuing bonds under authority of this act, shall have the right to determine the rate of interest such bonds shall bear; provided, that in no case shall it exceed seven per cent per annum, and to name the date and place where such bonds and interest shall be paid; provided, that the place of payment shall be either at the office of the treasurer of the municipality, or at some designated bank in San Francisco, Chicago, New York, or Boston. The said bonds shall be signed by the executive of the municipality, and also by the treasurer thereof, and shall be countersigned by the clerk. The coupons of said bonds shall be numbered consecutively, and signed by the treasurer.

Tax levy.

Sec. 8. The legislative branch of said city, town, or municipal corporation shall, at the time of fixing the general tax levy, and in the manner for such general tax levy provided, levy and collect annually, each year, for the term of forty years, a tax sufficient to pay the annual interest on such bonds, and also one fortieth part of the aggregate amount of such indebtedness so incurred. The taxes herein required to be levied and collected shall be

in addition to all other taxes levied for municipal purposes, and shall be collected at the same time and in the same manner as other municipal taxes are collected. [Amendment approved March 1, 1893. Stats. 1893, p. 61. In effect immediately. Repealed all conflicting acts.]

This section was in turn repealed by the act of March 9, 1897, Stats. 1897, p. 75. See note under sec. 6.

Duty of corporation.

Sec. 9. It shall be the duty of the legislative branch of every city, town, or municipal corporation wherein public improvements are being made under the provisions of this act, to make all needful rules and regulations for carrying out and maintaining such improvements; to appoint all needful agents, superintendents, and engineers to properly look after the construction and operation of such public works, and in all lawful ways to protect and preserve the rights and interest of the municipality; provided, however, that in cities, towns, or municipalities operating under a charter heretofore or hereafter framed under section 8 of article XI of the constitution, and having a board of public works, all the matters and things required in this section to be done and performed by the legislative branch of the municipality shall be done and performed by the board of public works of such city, town, or municipality. [Amendment approved March 19, 1891. Stats. 1891, p. 132.]

Letting of contracts.

Sec. 10. All contracts for the construction or completion of any public works or improvements, or for furnishing labor or materials therefor, as herein provided, shall be let to the lowest responsible bidder. The legislative branch of the municipality shall advertise for at least ten days, in one or more newspapers published in the municipality, inviting sealed proposals for furnishing the labor and materials for the proposed improvements, before any contract shall be made therefor. The said legislative branch shall have the right to require such bonds as they may deem best, from the successful bidder, to insure the faithful performance of the contract work. They shall also have the right to reject any or all bids; provided, however, that in cities, towns, or municipalities operating under a charter heretofore or hereafter framed under section 8 of article XI of the constitution, and having a board of

public works, all the matters and things required in this section to be done and performed by the legislative branch of the municipality shall be done and performed by the board of public works of such city, town, or municipality. [Amendment approved March 19, 1891. Stats. 1891, p. 132.]

Additional bonds of treasurer.

Sec. 11. Whenever the legislative branch of any municipality shall, by resolution, deem it necessary, they may require the treasurer of such municipality to give additional bonds for the safe custody and care of the public funds.

Repealing acts 1885, 1887.

Sec. 12. The act approved March ninth, eighteen hundred and eighty-five, entitled An act to authorize municipal corporations of the fifth class, containing more than three thousand and less than ten thousand inhabitants, to obtain public water-works, and the act approved March fifteenth, eighteen hundred and eighty-seven, entitled An act authorizing the incurring of indebtedness by cities, towns, and municipal corporations, incorporated under the laws of this state, and all general acts, or special acts, or parts of acts, conflicting with this act, are hereby repealed.

Sec. 13. This act shall take effect and be in force from and after its passage.

The act of March 15, 1887, was also amended by act approved February 16, 1889, Statutes 1889, 14.

TITLE 388.

PUTAH CREEK.

ACT 2905.

Solano and Yolo counties, protecting from overflow by Putah Creek. [Stats. 1871-2, p. 941.]

Repealed 1873-4, 84.

This act provided for the formation of the Yolo and Solano canal district for the purpose of protecting certain lands from overflow from Putah Creek.

TITLE 389.

QUARANTINE.

ACT 2910.

An act to regulate quarantine, and the admission of horses, cattle, sheep, and swine into the state of California from infected districts.

[Approved March 19, 1889. Stats. 1889, p. 375.]

Quarantine against entry of domestic animals.

Section 1. The state board of health shall be empowered to declare quarantine against the entry of domestic animals from any state or territory, or any foreign port or country, in which contagious or infectious diseases are known to exist; said infected parts to be named in the proclamation.

Entry of, through state board of health.

Sec. 2. All domestic animals coming into the state from districts mentioned in section one must be required to enter the state at such points only as the state board of health may by proclamation determine, and designate where they must be unloaded for inspection.

Evidence of owners.

Sec. 3. All owners of domestic animals coming into this state from localities quarantined against will be required to furnish the following evidence that such animals are free from disease.

First—The affidavit of two disinterested parties, who have known such animals for a period of four months prior to the date of shipment, that they have been healthy, and exposed to no contagious disease, and that no contagious disease is known or believed to exist in the district or country from which they came.

Second—The certificate of the county clerk of the county, that persons making such affidavit are responsible and reputable citizens of the county.

Third—The affidavit of the owner or person in charge, made at the point of entry, that such domestic animals are the identical animals described in the foregoing affidavits, and that shipment has been direct, and without unloading, except for food and water, and in cleansed and disinfected cars.

Affidavit of owners.

Sec. 4. Owners or persons in charge of domestic animals from localities not named in such proclamation must certify, under oath, that such domestic animals have been kept in one place for a period of four months immediately preceding the date of shipment (giving the name of the town and county and state, territory, or country), and have not been exposed to any contagious disease for a period of three months prior to the date of shipment.

Evidence to be submitted.

Sec. 5. All the foregoing evidence to be submitted to the state veterinarian, or an authorized inspector of the state, when permits for shipment in this state shall be issued.

Quarantined calves.

Sec. 6. Dealers' calves gathered in quarantined states or territories will be quarantined at the points of entry.

Domestic animals.

Sec. 7. Domestic animals not receiving permits for shipment, and retained in quarantine, will be held at the owner's risk and expense.

Same.

Sec. 8. All domestic animals arriving at points of entry shall be inspected free of charge to the owner.

Railway company must have permit.

Sec. 9. No railway company doing business in this state shall receive for shipment into this state any domestic animals unless accompanied by a permit signed by an authorized inspector.

Cattle, when not to enter state.

Sec. 10. No cattle shall enter this state from Texas, New Mexico, or Mexico, for grazing purposes during the months of March, April, May, June, July, August, September, October, and November in each year.

Shipment for slaughter.

Sec. 11. All cattle from those parts mentioned in section ten entering this state during the months mentioned in section ten, and intended for butchering purposes, shall pass from the point of entry into the slaughter-house yard, which yard shall be specially constructed and isolated for the purpose of receiving such stock. The stock shall be unshipped in said yard direct from the cars running into the yards for that purpose.

Character of cars.

Sec. 12. Said cattle shall moreover be shipped in specially constructed cars, which will prevent the dropping of manure and urine on the track during transit, and in unshipping such cattle the cars shall be thoroughly disinfected with carbolyzed whitewash.

When may be unshipped.

Sec. 13. All cattle entering this state for the purposes mentioned in section eleven shall only be unshipped between the point of entry and destination at places set apart by the state board of health in its proclamation; and no native stock shall be allowed at any time to enter said places; said places shall be moreover thoroughly disinfected in such manner as the state board of health may direct.

Violation of act.

Sec. 14. Any person or persons, corporations, or firms, who shall violate any of the provisions of this act, shall be liable for all damages sustained, and a fine of one thousand dollars, to be recovered in any court of competent jurisdiction, on account of any contagious or infectious disease being communicated from any diseased animal to any other animal in the neighborhood, or along the line of such transportation of such diseased animals into or through this state, or from one part thereof to another; and the existence or presence of such contagious or infectious disease among the native cattle of this state on the same ranch with or in the vicinity of any such diseased animals, or along the line or route over which they were transported, shall be prima facie evidence that the same were affected with such disease at the time of being so removed or transported, and communicated it to such native domestic animals so affected therewith.

Definition.

Sec. 15. The words "domestic animals" whenever used in this act shall be construed to mean and include horses, mules, asses, cattle, sheep, goats, and swine.

Inspectors to be appointed.

Sec. 16. The state board of health are hereby authorized to appoint one inspector for each of the points of entry by railroad communication into this state, who shall reside at such point as may be designated by the state board of health, and shall receive such compensation for actual services as may be determined by said board, not to exceed one hundred dollars per month; such compensation to be paid out of any moneys in the state treasury not otherwise appropriated, upon the warrants of the

controller of state drawn upon the certificate of the state board of health allowing the same.

Sec. 17. This act shall take effect immediately.

TITLE 390.

RAILROADS.

ACT 2915.

To provide for incorporation of railroad companies. [Stats. 1861, p. 607.]

Amended 1862, 498, 547; 1863, 610; 1865-6, 310; 1867-8, 705; 1869-70, 577. Repealed, see note to act 632, ante. See, also, Cal. Pac. R. R. Co. v. Cent. Pac. R. R. Co., 47 Cal. 528.

Cal.Rep.Cit. 41, 359; 42, 206; 45, 312; 47, 519; 49, 397;
50, 849; 52, 59; 52, 61; 63, 469; 66, 609; 66, 611;
71, 85; 75, 645; 109, 584; 115, 590; 129, 540.

ACT 2916.

Supplementing statute concerning railway corporations.
[Stats. 1862, p. 498.]

Repealed by sec. 288, Civil Code.

See note, act 632, ante.

ACT 2917.

Permitting and authorizing railway and other corporations organized under the laws of this state, or of any state or territory, or any act of congress, to do business in this state on equal terms. [Stats. 1880, p. 21.]

Cal.Rep.Cit. 116, 103.

This act also authorized one railroad corporation to lease the road of another corporation and to acquire the lease of its road. It is contained in full in the Civil Code, Appendix, p. 764.

ACT 2918.

Nevada County, railroad from Colfax to Nevada City, providing for. [Stats. 1873-4, p. 492.]

ACT 2919.

Railroad from Marysville to Knight's Landing, construction of, and regulation of freights and fares. [Stats. 1873-4, p. 780.]

ACT 2920.

Commissioners of transportation, appointment of. [Stats. 1875-6, p. 783.]

Repealed 1877-8, 969.

Cal.Rep.Cit. 62, 506.

ACT 2921.

Concerning the powers of the railroad commissioners.
[Stats. 1880, p. 45.]

Cal.Rep.Cit. 79, 164; 105, 320; 132, 678; 132, 687.

This act appears in full in Civil Code, Appendix, p. 766.

ACT 2922.

To provide for the construction of a railroad from Lone
to Sutter Creek or Jackson. [Stats. 1877-8, p. 841.]

ACT 2923.

Granting right of way and station grounds to the Southern
California Railway Company over a portion of the
asylum grounds in San Bernardino County. [Stats.
1893, p. 121.]

ACT 2924.

Relating to the operation of railroads. [Stats. 1893, p. 268.]

Cal.Rep.Cit. 121, 658.

This act appears in full in Civil Code, Appendix, p. 772. It
authorized railroads using steam to use electricity or steam, or both,
provided that in incorporated cities of more than 5,000 inhabitants
authority must be obtained.

ACT 2925.

To compel the operation of railroads. [Stats. 1880, p. 43.]

This act appears in full in Civil Code, Appendix, p. 765.

ACT 2926.

To provide for the management and operation of railroads
above certain elevations. [Stats. 1897, p. 5.]

This act appears in full in Civil Code, Appendix, p. 765.

ACT 2927.

To enable railroad companies to complete their roads.
[Stats. 1877-8, p. 944.]

This act appears in full in Civil Code, Appendix, p. 763.

ACT 2928.

To ratify ordinances passed by the governing bodies of
municipal corporations, giving permission to propel
cars by electricity. [Stats. 1891, p. 12.]

This act appears in full in Civil Code, Appendix, p. 763.

ACT 2929.

Rates of fare on street railroads in cities of more than
one hundred thousand inhabitants. [Stats. 1877-8, p.
18.]

This act appears in full in Civil Code, Appendix, p. 771.

ACT 2880.

Requiring street railroad corporations to allow United States mail carriers to ride free of charge. [Stats. 1893, p. 44.]

This act appears in full in Civil Code, Appendix, p. 773.

ACT 2931.

An act to authorize cities and towns to grant franchises for the construction and maintenance of railroads beyond the limits of such cities or towns leading to public parks owned thereby.

[Became a law, under constitutional provision, without governor's approval, March 1, 1897. Stats. 1897, p. 46.]

The people of the state of California, represented in the senate and assembly, do enact as follows:

Section 1. It shall be lawful for the council, trustees, or other governing body of any city or town owning public parks situated outside of said city or town, to grant franchises for the building and operation of railroads from any point in, or at the exterior boundary of such city or town, to, in, or through such park, in the same manner and to the same extent as it now has power to grant the same for street railroads within the limits of such city or town; provided, that in addition to all other conditions, it shall be made a condition of such franchise that the fare of passengers on such road or roads shall never exceed five cents for a single trip.

Sec. 2. All railroads, except as otherwise provided in this act, authorized by this act to be so chartered shall be governed by the provisions of part four, title four, of the Civil Code of California, concerning street railroads and corporations, so far as the same shall be applicable thereto, and of all acts amendatory thereof. Also by the provisions of "An act providing for the sale of railroad and other franchises in municipalities and relative to granting of franchises," approved March twenty-third, eighteen hundred and ninety-three.

Sec. 3. This act shall take effect immediately.

ACT 2932.

To promote the safety of employees and passengers upon street railroads, by compelling equipment of cars and dummies with fenders and brakes, and to prescribe penalties. [Approved March 22, 1899. Stats. 1899, p. 183.]

TITLE 391.

RAMIE CULTURE.

ACT 2027.

To encourage the cultivation of ramie in the state of California, to provide a bounty for ramie fiber, and to make an appropriation therefor; to appoint a state superintendent of ramie culture, and make an appropriation for his salary. [Approved March 31, 1891. Stats. 1891, p. 283.]

Cal.Rep.Cit. 94, 435.

Unconstitutional. (Murray v. Colgan, 94 Cal. 435.)

TITLE 392.

RECLAMATION DISTRICTS.

ACT 2042.

Providing for funding of indebtedness of. [Stats. 1871-2, p. 835.]

Amended 1873-4, 237, 585; 1875-6, 838.

Cal.Rep.Cit. 45, 357.

ACT 2043.

San Joaquin County, Mormon Slough, authorizing inhabitants of to form a reclamation district. [Stats. 1871-2, p. 709.]

ACT 2044.

Sutter County, levee district No. 1, defining boundary and providing for the care of, etc. [Stats. 1873-4, p. 521.]

Amended 1877-8, 914; 1889, 355; 1901, 629.

Cal.Rep.Cit. 56, 225; 68, 544.

ACT 2045.

Sutter County, levee district No. 2, funding of indebtedness of. [Stats. 1875-6, p. 155.]

ACT 2046.

Levee district No. 2, Sutter County, defining boundary and providing for government of. [Stats. 1875-6, p. 391.]

Amended and supplemented 1893, 199; 1895, 236.

ACT 2047.

To empower the trustees of levee district No. 1, Sutter County, to issue bonds for the payment or funding of its indebtedness. [Stats. 1880, p. 30.]

ACT 2948.

To define the boundaries and provide for the government of levee district No. 6, Sutter County. [Stats. 1897, p. 237.]

ACT 2949.

To provide for funding the indebtedness of levee district No. 6, Sutter County, and to provide for the payment of such funded debt. [Stats. 1891, p. 235.]

ACT 2950.

Conferring additional powers upon trustees of swamp-land district No. 17, in San Joaquin County. [Stats. 1875-6, p. 781.]

ACT 2951.

Providing for the payment of interest on trustees' orders against certain swamp lands. [Stats. 1871-2, p. 802.]

This act related to swamp land districts Nos. 50 and 54.

ACT 2952.

Reclamation district No. 54, Sacramento County, ratifying. [Stats. 1877-8, p. 530.]

ACT 2953.

Sutter County, relating to swamp-land district No. 70. [Stats. 1871-2, p. 719.]

This act provided that the warrants should bear interest.

ACT 2954.

Swamp-land district No. 70, to reorganize. [Stats. 1877-8, p. 580.]

Amended 1891, 62.

ACT 2955.

To legalize the acts of the supervisors of Yolo County in forming reclamation district No. 108. [Stats. 1871-2, p. 776.]

Cal.Rep.Clt. 52, 188; 53, 350.

ACT 2956.

Reclamation district No. 108, relating to unpaid warrants and assessment in. [Stats. 1871-2, p. 696.]

Repealed 1903, 53.

This act provided that unpaid assessments and warrants bear interest.

ACT 2057.

Contra Costa County, swamp-land district No. 118, relative to. [Stats. 1873-4, p. 689.]

This act validated certain acts relating to.

ACT 2058.

Swamp-land reclamation district No. 118, act relating to assessment in. [Stats. 1875-6, p. 140.]

Unconstitutional. (People v. Houston, 54 Cal. 536.)

ACT 2059.

Reclamation district No. 124, Colusa County. [Stats. 1873-4, p. 957.]

Cal.Rep.Cit. 68, 516.

This act legalized this district.

ACT 2060.

Swamp-land district No. 150, Yolo County, formation of. [Stats. 1873-4, p. 867.]

Cal.Rep.Cit. 98, 52.

ACT 2061.

To create and organize reclamation district No. 205, Sacramento County. [Stats. 1877-8, p. 911.]

Repealed 1880, 25.

Cal.Rep.Cit. 117, 122.

ACT 2062.

Swamp-land district No. 221, San Joaquin County, legalizing. [Stats. 1877-8, p. 434.]

ACT 2063.

Reclamation district No. 252, Sacramento County, establishing. [Stats. 1877-8, p. 531.]

ACT 2064.

Creating reclamation district No. 254, Sacramento County. [Stats. 1877-8, p. 909.]

ACT 2065.

Swamp-land district No. 307, Yolo County, legalizing proceedings in. [Stats. 1877-8, p. 250.]

ACT 2066.

Reclamation district No. 317, Sacramento County, creating. [Stats. 1877-8, p. 562.]

ACT 2967.

Sacramento County, swamp lands in, funds for. [Stats. 1871-2, p. 881.]

Repealed 1873-4, 274.

This act related to districts Nos. 50 and 54.

ACT 2968.

Sacramento County, delinquent reclamation assessments, collection of. [Stats. 1873-4, p. 885.]

Superseded by County Government Acts. (Lynch v. Butte County, 102 Cal. 446.)

ACT 2969.

San Joaquin County, reclamation districts in. [Stats. 1875-6, p. 281.]

ACT 2970.

To create and establish two new reclamation districts of this state, to be known, respectively, as Union Island Reclamation District No. 1, and Union Island Reclamation District No. 2, embracing within their respective territorial limits a portion of Union Island, in San Joaquin County; to define the boundaries of such districts, and provide for the organization and government thereof, and to dissolve all other reclamation districts in conflict therewith. [Approved February 23, 1903. Stats. 1903, p. 37.]

ACT 2971.

Yolo and Solano counties, supervisors, powers of. [Stats. 1873-4, p. 602.]

This act authorized the supervisors to approve petitions for the formation of reclamation districts.

ACT 2972.

To facilitate equalization of assessments in reclamation districts. [Stats. 1881, p. 68.]

ACT 2973.

To subject certain reclamation districts to the provisions of the Political Code. [Stats. 1885, p. 77.]

This made districts organized prior to January 1, 1873, subject to the provisions of the code.

ACT 2974.

Providing for the dissolution and annulment of reclamation districts for non-user of corporate powers. [Stats. 1899, p. 13.]

ACT 2975.

An act to provide for the issuing of bonds by reclamation districts, and the disposal thereof for reclamation and other purposes, and their payment by taxation upon the property situated in such reclamation districts.

[Approved March 27, 1895. Stats. 1895, p. 197.]

The people of the state of California, represented in senate and assembly, do enact as follows:

Section 1. Whenever in the opinion of the board of trustees of any reclamation district now formed, or hereafter to be formed, under any law of this state, the cost of the works of reclamation according to the plans thereof will be too great to be raised by assessments as provided in the Political Code, said board of trustees shall order a special election to be held at some place in said district to be designated by said board of trustees, at which said special election shall be submitted to the owners of land in said district the question whether or not the bonds of said district shall be issued in an amount necessary to construct said works of reclamation, which said amount shall be estimated by said board of trustees, and stated in the order for such special election.

Sec. 2. Notice of such special election must be given by the board of trustees by posting notices thereof in at least three public places in the district, at least twenty days prior thereto, and also by publication for the same time in some newspaper published in each county in which any portion of said district may be situated, if there be a newspaper published in each of such counties, and if there is no newspaper so published, then by such publication in each county in which there is a newspaper published, and such notice must specify the time and place of holding such election, the amount of bonds proposed to be issued, and the names of three land-holders of the district to act as a board of election.

Sec. 3. At such election each holder of lands in the district shall be entitled to vote in person or by proxy, and shall have the right to cast one vote for each dollar's worth of real estate owned by him in the district, the value thereof to be determined from the next preceding assessment roll of the county where the same is situated; and the board of trustees of the district shall, prior to the election, procure from the assessor of each county where

any portion of the district is situated, a list, certified by such assessor, containing a description of all the land of the district situated in such county, the name of the person to whom each tract is assessed, and the value thereof as appears from the assessment roll of said county, which said list shall be furnished to and be used by the said board of election in determining the number of votes each voter is entitled to cast. No person shall vote by proxy at such election, unless authority to cast such vote shall be evidenced by an instrument in writing, duly acknowledged and certified as grants of real property, and filed with the board of election. The ballots cast at such election shall contain the words "Bonds—Yes," or the words "Bonds—No," and also the name of the person casting the ballot, with the number of votes cast by him; and a list of the ballots cast shall be made by the board of election, containing the name of the voter, and if the ballot be cast by proxy, the name of the person casting it, the number of votes cast, and whether the same be cast for or against the issuing of the bonds.

Sec. 4. If the persons, or any of them, appointed and specified in the notice of election as the board of election fail to attend at the time and place appointed for the election, the voters present at the time for opening the polls may appoint any land-holder of the district then present to fill the place of any absent member thereof. Each member of such board of election must, before entering upon his duties as such, take an official oath as such member of the board of election, which said oath may be administered by any officer authorized to administer oaths, or by any land-holder in the district. The polls shall be kept open for the reception of votes from ten o'clock A. M. until four o'clock P. M. At the close of the polls the board of election shall at once proceed to canvass the votes, and declare the result and forward a certificate, showing the number of votes cast for and against the issuing of bonds, to the board of supervisors of the county where the district was formed, and deliver a duplicate thereof to the board of trustees of the district, and shall also deliver to the said board of trustees all ballots cast at such election, and all documents and papers used at such election.

Sec. 5. If a majority of the votes cast at such election

are in favor of the issuance of bonds, the board of trustees of the district shall cause bonds in the amount stated in the order for election to be issued and placed in the custody of the treasurer of the county in which the district was formed. Said bonds shall be of the denomination of one hundred dollars each, shall be negotiable in form, signed by the president of the board of trustees of the district, and the chairman of the board of supervisors of said county, and attested by the clerk of said board of supervisors, and the seal of said board of supervisors, shall be numbered consecutively as issued, and bear date at the time of their issue, and shall express on their face that they were issued by authority of this act, stating its title and date of approval, and the date of the election at which their issuance was authorized. Said bonds shall bear interest at the rate of seven per cent per annum, payable semi-annually on the first day of January and the first day of July in each year, at the office of said county treasurer, upon the presentation of the proper coupons therefor. Coupons for each installment of interest shall be attached to said bonds, and shall be numbered, signed, and attested, in the same manner as the bond. The principal of said bonds shall be paid as follows, to wit: Ten per cent of the whole amount of bonds issued, according to their consecutive numbers, shall be paid in ten years from the date of their issue, at the office of said county treasurer, and ten per cent thereof each succeeding year thereafter, until all are paid. If any bond shall not be presented for payment when the same becomes due, it shall cease to draw interest; but if presented at such time, and not paid for want of funds, the said county treasurer shall so indorse it, and thereafter such bond shall draw interest until paid, at said rate of seven per cent per annum, payable semi-annually.

Sec. 6. The treasurer of said county shall place the bonds prepared pursuant to this act to the credit of said district, and may at any time sell any of said bonds for the best price obtainable therefor, but in no event for less than the face value of said bond, and the accrued interest thereon. Any money derived from the sale of said bonds by said county treasurer shall be placed in the treasury to the credit of said district, and a proper record of such transaction be placed upon the books of said treasurer.

Sec. 7. The board of trustees of said district may draw orders upon the said county treasurer, payable in bonds or money in the proportion and to the amount therein named, to pay for labor or services performed for, or materials or property furnished to, said district, for the purpose of constructing the reclamation works thereof, and the expenses necessarily incident to maintaining the same, and the contingent expenses of said district, which said orders shall be approved by the board of supervisors of the county where such district was formed, and thereafter be paid by said treasurer in the manner therein provided for if such bonds or money then remaining in said treasury to the credit of said district be sufficient to pay the same.

Sec. 8. The principal of said bonds, and the interest thereon, shall be paid by revenue derived from a tax levied upon the assessable real property of the district, and the board of supervisors of the county wherein said district was formed, at the time of making the levy of taxes for county purposes, must levy a tax for that year, upon the taxable real property in such district, sufficient to pay the interest which may become due upon said bonds during such year, and if any portion of the principal of said bonds will become due during such year, then also in an amount sufficient to pay such portion of said principal. All taxes so levied shall be computed and entered on the assessment roll of the county where such land may be situated, by the county auditor, and collected by the tax collector, at the same time and in the same manner as state and county taxes, and when collected shall be paid into the county treasury for the use of said district.

Sec. 9. When such district is situated partly in different counties, the assessor of said county, or counties, other than the county where the district was formed, and in which any portion of such district may be situated, shall, prior to the time when the board of supervisors meets to make the levy for county purposes in each year, certify to the board of supervisors of the county where such district was formed, a statement of the total value of all the taxable real property of said district, situated in his county; and when such board of supervisors shall have determined the rate of taxation necessary to be levied upon such property, the clerk of said board of supervisors

shall certify the same, under the seal of said board, to the auditor of any county other than the county where such district was formed, and such auditor shall thereupon compute the tax and enter the same upon the assessment roll of said county. When any taxes shall have been collected under any of the provisions of this act, and placed in the treasury of any county other than the one in which said district was formed, the treasurer of such county must, when requested so to do by the board of trustees of said district, forward all money in such treasury to the county treasurer of the county in which such district was formed, who shall receive and receipt for the same, and place such money in the treasury of such county to the credit of said district.

Sec. 10. No assessor, tax collector, treasurer, or clerk shall receive any fee for any service required to be performed by them under the provisions of this act. All expenses necessarily incurred in carrying out the provisions of this act shall be paid out of any money to the credit of the district for which the services are performed in the treasury of the county where the district was formed, upon the order of the board of trustees of said district, approved by the board of supervisors of said county.

Sec. 11. This act shall take effect and be in force from and after its passage.

In addition, the following acts may be referred to:

ACT 2976.

Providing for appeals from orders forming reclamation or swamp-land districts, setting off lands from such districts, or consolidating districts. [Approved April 16, 1889, p. 119 (Ban. ed., 385).]

Superseded by the following act:—

ACT 2977.

An act providing for appeals from orders of the board of supervisors forming or refusing to form reclamation or swamp-land districts, setting off lands from such districts, or including lands in such districts, or consolidating swamp-land or reclamation districts.

[Approved March 11, 1893. Stats. 1893, p. 174.]

Section 1. Any person having an interest affected by any order of the board of supervisors of any county, ap-

proving or refusing to approve any petition for the formation of a reclamation or swamp-land reclamation district, or in any manner creating or consolidating such districts, or including in or excluding from such district, any lands, may, within thirty days after said order is made, appeal therefrom to the superior court of the county.

Sec. 2. Such appeal shall be taken and prosecuted in the manner prescribed by law and the rules of said superior court relating to appeals from inferior courts, and the matter shall be tried anew in said superior court. The judgment rendered in the superior court in such matter shall be final. Each superior court held in any county of the state in which there are any reclamation or swamp-land reclamation districts shall make rules regulating appeals in the cases hereinbefore mentioned; and the clerk of the board of supervisors shall, upon a notice of appeal and undertaking on appeal being filed with him, transmit the same, and all papers and documents used on the hearing before said board, to the clerk of the superior court in and for said county, who shall thereupon file the same without receiving any fee therefor.

Sec. 3. This act shall take effect and be in force from and after its passage.

Sec. 4. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

TITLE 393.

RECORDERS.

ACT 2962.

To legalize acts of county recorders and county auditors.
[Stats. 1863-4, p. 187.]

Recorders of particular counties, see particular title.

TITLE 394.

RECORDS.

ACT 2967.

To transfer the records, papers, and business of the courts existing on the thirty-first day of December, 1879, in this state, to the courts now existing therein.
[Approved February 4, 1880. Stats. 1880, p. 2.]

Cal.Rep.Cit. 87, 88.

This act appears in the appendix to the Code of Civil Procedure, p. 782.

TITLE 395.

RED BLUFF.

ACT 2992.

Incorporating. [Stats. 1875-6, p. 637.]

Amended 1877-8, 116; 1891, 108. Repealed by incorporating, in 1895, under Municipal Corporation Act of 1888.

ACT 2993.

To authorize the county judge of Tehama County to distribute town lots held by him in trust for the citizens of Red Bluff, and to issue certificates of title to the inhabitants in accordance with their respective interests. [Stats. 1867-8, p. 107.]

Cal.Rep.Cit. 65, 168.

Amended 1877-8, 602.

ACT 2994.

Preventing hogs from running at large in. [Stats. 1871-2, p. 529.]

See statute of 1897, p. 128, sec. 9.

ACT 2995.

To prevent hogs from running at large in the towns of Red Bluff and Tehama, in Tehama County. [Stats. 1873-4, p. 776.]

Repealed 1877-8, 79.

TITLE 396.

REDDING.

ACT 3000.

Change of name of. [Stats. 1873-4, p. 32.]

Repealed 1880, 24.

This act changed the name from Redding to Reading.

TITLE 397.

RED MEN.

ACT 3005.

Concerning corporations for charitable and beneficial purposes. [Stats. 1869-70, p. 726.]

This act enabled any society of the Improved Order of Red Men, or any other society for charitable or beneficial purposes, to incorporate. See note to act 632, ante.

TITLE 398.

REDWOOD CITY.

ACT 3010.

Incorporating. [Stats. 1867-8, p. 411.]

Amended 1869-70, 864; 1871-2, 712, 714. Superseded by incorporating in 1897 under the statute of 1883.

Cal.Rep.Cit. 68, 513.

ACT 3011.

Trustees authorized to extend and open Stambaugh Street.
[Stats. 1873-4, p. 466.]

ACT 3012.

Election of clerk of board of trustees and superintendent
of streets. [Stats. 1875-6, p. 593.]

Repealed by incorporating city, in 1887, under Municipal Corporation Act of 1883.

TITLE 399.**REVENUE.****ACT 3017.**

To provide revenue for the support of the government
of the state. [Stats. 1861, p. 419.]

Amended 1862, 171, 172, 242, 254, 266, 538, 553; 1863, 30, 122,
166, 712, 721, 732, 754; 1863-4, 45, 71, 92, 254, 499, 513; 1865-6,
607, 660, 802; 1867-8, 82, 674; 1869-70, 423; 1871-2, 295, 399.

Cal.Rep.Cit. 43, 653; 47, 159; 47, 618; 63, 581; 70, 505;
70, 506; 70, 507; 119, 685.

See as to this statute Yolo Co. v. Colgan, 132 Cal. 265.

RIO VISTA.

See title Brazos del Rio, ante.

TITLE 400.**RIVERSIDE COUNTY.****ACT 3022.**

To create the county of Riverside, classify it, define its
boundaries, provide for its organization, and the ap-
pointment, election of officers, the location of county
seat by election, and the adjustment and fulfillment
of certain rights and obligations arising between such
county and certain other counties. [Approved March
11. 1893. Stats. 1893, p. 158.]

ROADS AND HIGHWAYS.

See Highways; Parks.

TITLE 401.**RODEOS.****ACT 3027.**

To regulate rodeos. [Stats. 1851, p. 445.]

Amended 1852, 102; 1855, 163; 1858, 70; 1861, 180; 1865-6,
673; 1873-4, 793. Supplemented 1858, 155.

Continued in force by codes—Penal Code, sec. 23; Pol. Code,
sec. 19.

ACT 3028.

Supplemental to act concerning redeem. [Stats. 1888, p. 155.]

TITLE 402.

ROUGH AND READY.

ACT 3029.

To change the name of the town of "Rough and Ready," in Scotts Valley, Siskiyou County, to Etna. [Stats. 1873-4, p. 346.]

TITLE 403.

SACRAMENTO CITY.

ACT 3030.

Boundaries, establishing. [Stats. 1873-4, p. 191.]

Superseded by the charter of Sacramento, 1892, 547, sec. 5.

ACT 3031.

To incorporate. [Stats. 1863, p. 415.]

Supplemented 1868-4, 258, 295. Amended 1869-4, 103, 424; 1865-6, 639; 1867-8, 310; 1869-70, 339; 1871-2, 243, 697, 768, 860; 1877-8, 590; 1889, 148. Superseded by the charter ratified May 17, 1892, Stats. 1893, 545.

Cal.Rep.Cit. 41, 70; 85, 411; 85, 412; 89, 391; 96, 43; 102, 111; 106, 127; 118, 394; 118, 398; 118, 400.

ACT 3040.

Election of attorney for. [Stats. 1877-8, p. 173.]

Superseded by chapter 49 of the charter of Sacramento, 1892, 563.

ACT 3041.

Auditor and ex-officio clerk of board of trustees, salary of. [Stats. 1873-4, p. 714.]

Repealed by the charter of Sacramento, 1893, 547.

ACT 3042.

Redemption of funded indebtedness. [Stats. 1871-2, p. 546.]

Amended 1887, 75; 1889, 325. All of these acts repealed 1899, 85.

Cal.Rep.Ck. 71, 312.

ACT 3043.

To confer upon Sacramento City the power to construct canals and levees. [Stats. 1877-8, p. 852.]

See charter of Sacramento, 1893, 547, sec. 70.

ACT 3044.

Authorizing George W. Chesley to lay gas-pipes in. [Stats. 1871-2, p. 730.]

ACT 3045.

Establishing and maintaining a dispensary in. [Stats. 1871-2, p. 531.]

Probably repealed by art. XII of the charter of Sacramento, 1893, 598.

ACT 3046.

To provide for the drainage of Sacramento City, and of swamp land district number two. [Stats. 1867-8, p. 127.]

Amended 1869-70, 127; 1871-2, 854.

Cal.Rep.Cit. 52, 560; 59, 597.

ACT 3047.

Establishing paid fire department in. [Stats. 1871-2, p. 866.]

Supplemented 1873-4, 806. Superseded by art. X of the charter of Sacramento, 1893, 591-595.

ACT 3048.

Exempt Firemen's Association of, organizing. [Stats. 1871-2, p. 715.]

ACT 3049.

Expert, appointment of. [Stats. 1875-6, p. 362.]

Repealed by the charter of Sacramento.

ACT 3050.

Authorizing suit against by John Hoagland et al. [Stats. 1875-6, p. 214.]

Amended 1875-6, 365.

Unconstitutional. (Hoagland v. Sacramento, 52 Cal. 142.)

ACT 3051.

City and county, streets and roads in. [Stats. 1873-4, p. 728.]

Amended 1875-6, by repealing sec. 1, p. 302.

ACT 3052.

Streets, improvement of. [Stats. 1875-6, p. 157.]

Superseded by the charter of Sacramento, 1893, 546.

ACT 3053.

Legalizing the assessment of a street tax. [Stats. 1873-4, p. 896.]

Unconstitutional. (People v. Lynch, 51 Cal. 15.)

ACT 3054.

Legalizing street assessment in. [Stats. 1873-4, p. 601.]
Unconstitutional. (People v. Lynch, 51 Cal. 15.)

ACT 3055.

Payment of school moneys into the treasury of. [Stats.
1875-6, p. 860.]

ACT 3056.

Granting swamp lands to. [Stats. 1857, p. 155.]

ACT 3057.

Further powers of board of trustees. [Stats. 1875-6, p. 624.]
Amended 1877-8, 840. Superseded by the charter of Sacramento.

ACT 3058.

Relative to boards of trustees. [Stats. 1877-8, p. 639.]
Superseded by the charter, 1893, 545.

ACT 3059.

Collection of water rates in. [Stats. 1877-8, p. 369.]
Superseded by the charter, 1893, 545.

TITLE 404.**SACRAMENTO COUNTY.****ACT 3064.**

Government of. [Stats. 1873-4, p. 909.]

Amended 1875-6, 280; 1877-8, 267. Superseded by County Government Acts, see 1897, 452.

ACT 3065.

In relation to assessor of. [Stats. 1877-8, p. 87.]
Repealed by County Government Acts, see 1897, 507, sec. 162.

ACT 3066.

Fixing compensation of district attorney. [Stats. 1871-2,
p. 863.]
Superseded by County Government Act, 1897, 452.

ACT 3067.

East Park, protection of property of. [Stats. 1873-4,
p. 465.]

ACT 3068.

Fees of justices of the peace and constables in. [Stats.
1873-4, p. 863.]
Repealed by fee bill, 1895, 270, 272.

ACT 3069.

Fees of office and compensation of officers. [Stats. 1873-4, p. 204.]

Supplemented 1873-4, 713. Repealed as to the officers therein named by the fee bill, 1896, 267, and County Government Act, 1897, 452.

ACT 3070.

To provide an additional judge for. [Stats. 1896, p. 48.]

ACT 3071.

Board of levee commissioners, additional powers conferred on. [Stats. 1877-8, p. 73.]

Repealed 1877-8, 653.

ACT 3072.

Concerning construction and repair of levees in Sacramento County. [Stats. 1862, p. 151.]

Amended 1862, 459, 548; 1863, 468.

Cal.Rep.Cit. 52, 148; 73, 268.

ACT 3073.

Additional notaries public in. [Stats. 1871-2, p. 881.]

Repealed by Political Code, sec. 721.

This act provided for the appointment of four additional notaries.

ACT 3074.

Transcribing of certain records in. [Stats. 1873-4, p. 475.]

ACT 3075.

Public roads in. [Stats. 1875-6, p. 658.]

Repealed in part by 1883, 5, chap. X, sec. 2, and by County Government Act, 1897, 452.

ACT 3076.

Roads in. [Stats. 1873-4, p. 728.]

Amended 1875-6, by repealing sec. 1, p. 303.

ACT 3077.

Allowing certain persons to take possession of and improve a certain road in. [Stats. 1873-4, p. 599.]

ACT 3078.

Restricting sheep from being herded or running at large in. [Stats. 1875-6, p. 395.]

As to running at large, see 1897, 198.

ACT 3079.

Relating to president and clerk of board of supervisors of.
[Stats. 1871-2, p. 721.]

Repealed by County Government Act, 1897, 452.

ACT 3080.

Defining powers of board of supervisors of. [Stats. 1871-2,
p. 216.]

Repealed by County Government Act, 1897, 452.

ACT 3081.

Prescribing the manner of counting the moneys in the
hands of the treasurer of. [Stats. 1875-6, p. 831.]

Superseded by County Government Act, 1897, 452, sec. 115.

TITLE 405.

SALINAS CITY.

ACT 3086.

Incorporation of. [Stats. 1873-4, p. 242.]

Repealed 1875-6, 119.

ACT 3087.

Reincorporating. [Stats. 1875-6, p. 94.]

Amended 1895, 206.

TITLE 406.

SALINAS RIVER.

ACT 3092.

To declare Salinas River in Monterey County, a navigable
stream. [Stats. 1861, p. 49.]

Incorporated in Political Code, sec. 2349.

TITLE 407.

SAN ANTONIO CREEK.

ACT 3097.

To declare navigable the Arroyo del San Antonio or Keyes
Creek, in Marin County. [Stats. 1860, p. 126.]

Amended 1873-4, 564.

Incorporated in Political Code, sec. 2349.

ACT 3098.

To authorize the construction of a swing or drawbridge
across the San Antonio Creek, in Alameda County.
[Stats. 1869-70, p. 698.]

Amended 1871-2, 82.

TITLE 408.

SAN BENITO COUNTY.

ACT 3103.

Act creating. [Stats. 1873-4, p. 95.]

Supplemented 1873-4, 428. The latter act supplemented 1875-6, 177. Original act amended 1887, 108.

ACT 3104.

Provisions of act of 1873-4, p. 50, to prevent trespassing of animals, made applicable to. [Stats. 1873-4, p. 474.]

Repealed 1877-8, 178; 1897, 198.

ACT 3105.

Licenses in. [Stats. 1877-8, p. 272.]

Superseded by Political Code, sec. 3366, as amended 1901, 635, and by County Government Acts, see 1897, 473, sec. 55.

ACT 3106.

Legalizing transcribed records of. [Stats. 1875-6, p. 512.]

ACT 3107.

Directing the transcription of matters of record from Fresno and Merced counties to San Benito County. [Stats. 1889, p. 107.]

ACT 3108.

Roads and highways in. [Stats. 1877-8, p. 273.]

Repealed 1883, 5, chap. X, sec. 2.

TITLE 409.

SAN BERNARDINO COUNTY.

ACT 3113.

Making act protecting agriculture, and preventing the trespassing of animals. [Stats. 1871-2, p. 510.]

Repealed provisionally, 1873-4, 190; also 1897, 198; 1901, 603.

ACT 3114.

Protection of agriculture, and preventing trespassing of animals upon private property. [Stats. 1875-6, p. 307.]

Repealed 1897, 198.

ACT 3115.

Regulating and protecting bee-keeping in. [Stats. 1877-8, p. 563.]

ACT 3116.

District attorney, salary of. [Stats. 1875-6, p. 389.]

Repealed by County Government Acts, see 1897, 516, sec. 167.

ACT 3117.

Regulating fees of office and salaries of officers of. [Stats. 1871-2, p. 490.]

Amended 1874, 180. Repealed by fee bill, 1895, 269, and by County Government Act, 1897, 516, sec. 161.

ACT 3118.

Officers and fees of office in. [Stats. 1873-4, p. 616.]

See secs. 217, 218, 221, County Government Act, 1897, 573, 574.

ACT 3119.

Salaries and fees. [Stats. 1877-8, p. 80.]

Repealed by County Government Acts, see 1897, 516, sec. 167.

ACT 3120.

Irrigation, protecting, and making water-rights responsible for expenses incurred on irrigating ditches. [Stats. 1875-6, p. 486.]

ACT 3121.

To provide an additional judge for. [Stats. 1887, p. 19.]

ACT 3122.

Public records in office of county recorder. [Stats. 1875-6, p. 853.]

This act provided for the transcription and preservation of the records.

ACT 3123.

Making the provisions of the Political Code concerning highways applicable to. [Stats. 1875-6, p. 57.]

ACT 3124.

Legalizing records in. [Stats. 1860, p. 82.]

ACT 3125.

Providing for election of supervisors in. [Stats. 1873-4, p. 111.]

Superseded by County Government Act, 1897, 452.

ACT 3126.

To divide into supervisor districts. [Stats. 1877-8, p. 799.]

Repealed by County Government Acts, see 1897, 452.

ACT 3127.

Supervisors, compensation of. [Stats. 1875-6, p. 488.]

Repealed by County Government Acts, see 1897, 452.

1002 SAN BERNARDINO, TOWN OF--SAN DIEGO CITY.

ACT 3128.

To authorize the construction of a wagon road in, and to provide for the payment of the cost. [Stats. 1877-8, p. 586.]

ACT 3129.

Board of water commissioners for. [Stats. 1863-4, p. 87.]
Amended 1865-6, 96.

TITLE 410.

ACT 3134. SAN BERNARDINO, TOWN OF.

Granting to, state's interest in certain lands. [Stats. 1871-2, p. 362.]

This act conveyed to the city any land which may have escheated to the state on the incorporation becoming extinct on March 6, 1862.

TITLE 411.

ACT 3139. SAN BUENAVENTURA.

Incorporating. [Stats. 1865-6, p. 216.]

Superseded by 1878-4, 54, reincorporating.

ACT 3140.

Reincorporating. [Stats. 1875-8, p. 534.]

Amended 1877-8, 537.

ACT 3141.

Reincorporating, and approving certain ordinances and proceedings. [Stats. 1873-4, p. 54.]

Superseded by reincorporation by statute of 1875-6, p. 534.

TITLE 412.

ACT 3146. SAN DIEGO CITY.

Act to reincorporate. [Stats. 1871-2, p. 285.]

Repealed 1875-6, 815.

ACT 3147.

Reincorporating. [Stats. 1875-6, p. 306.]

Amended 1889, 302. Superseded by charter, 1889, 643.

Cal.Rep.Cit. 77, 518.

This amendment was declared unconstitutional. (People ex rel. Miller v. San Diego, 85 Cal. 369.)

ACT 3148.

Legalizing conveyances of pueblo lands in. [Stats. 1862-70, p. 409.]

ACT 3149.

Concerning conveyances by municipal authorities of.
[Stats. 1873-4, p. 95.]

Cal. Rep. Cit. 101, 527.

This act validated deeds made without a seal.

ACT 3150.

To legalize, ratify, and confirm certain conveyances of
land make by municipal authorities of. [Stats. 1871-2,
p. 309.]

ACT 3151.

Authorizing trustees of the city of to convey lands to
the United States. [Stats. 1867-8, p. 8.]

This act authorized the conveyance of lands to the United States
for military or naval purposes.

ACT 3152.

To transfer certain real estate to the United States.
[Stats. 1875-6, p. 154.]

This act authorized the transfer of realty necessary to change
the course of the river San Diego.

ACT 3153.

Ratifying a conveyance made by the city of to Richard C.
McCormick. [Stats. 1875-6, p. 382.]

ACT 3154.

Legalizing certain ordinances of and repealing others with
reference to Texas & Pacific Railroad Company:
[Stats. 1873-4, p. 370.]

ACT 3155.

Port of, establishing pilots and pilot regulations. [Stats.
1871-2, p. 650.]

ACT 3156.

School districts, legalizing and confirming boundaries of.
[Stats. 1873-4, p. 391.]

TITLE 413.

SAN DIEGO COUNTY.

ACT 3161.

Government of. [Stats. 1875-6, p. 558.]

Repealed by County Government Acts, see 1897, 452.

ACT 3162.

Providing for government of. [Stats. 1871-2, p. 191.]

Amended 1874, 221. Certainly modified and probably repealed
by County Government Act, 1897, 452.

ACT 3163.

To protect agriculture, and prevent trespassing of animals upon private property. [Stats. 1875-6, p. 458.]

Amended 1877-8, 245. Repealed by the estray law, 1897, 198, and 1901, 603.

ACT 3164.

Assessor of, compensation of. [Stats. 1873-4, p. 443.]

Repealed by County Government Acts, see 1897, 513, sec. 165.

ACT 3165.

Officers and fees of office in. [Stats. 1873-4, p. 616.]

See secs. 217, 218, 221, County Government Act, 1897, 573, 574.

ACT 3166.

Fees of office and salaries of officers. [Stats. 1875-6, p. 586.]

Amended 1877-8, 128. Repealed by County Government Acts, see 1897, 513, sec. 165; and by the fee bill, 1895, 267.

Kept in force by the constitution of 1879. (People v. Hamilton, 103 Cal. 488.)

ACT 3167.

To appropriate funds for the use of county clerk of. [Stats. 1877-8, p. 108.]

Repealed by County Government Acts, see 1897, 513, sec. 165.

ACT 3168.

Additional notaries public. [Stats. 1871-2, p. 238.]

Superseded by Political Code, sec. 791.

This act provided for the appointment of three additional notaries.

ACT 3169.

Supervisors to transfer certain funds of. [Stats. 1877-8, p. 257.]

Superseded by subd. 18, sec. 25, County Government Act, 1897, 463.

This act authorized the transfer of funds from the swamp land fund to the contingent fund.

ACT 3170.

Funding indebtedness of. [Stats. 1877-8, p. 540.]

ACT 3171.

To increase the number of superior judges in. [Stats. 1889, p. 5.]

ACT 2172.

To reduce the number of superior judges in. [Stats. 1895.
p. 24.]

ACT 2173.

Roads and highways in. [Stats. 1877-8, p. 50.]
Repealed 1883, 5, chap. X, sec. 2.

TITLE 414.**SAN FRANCISCO.**

There are a number of acts relating to cities and counties of the first class, as follows:

An act relating to assistants to city attorneys in cities over 100,000. [See ante, City Attorney.]

An act relating to deputies, clerks, and copyists. [See ante, title County Clerk.]

An act relating to coroners. [See ante, title Coroners.]

An act providing for the manner of paying fees in cities and counties of the same class. [See ante, title Fees.]

An act to regulate the quality and standard of illuminating power and gas in cities over 100,000. [See ante, title Gas.]

An act conferring on cities of the first class power to provide for the erection of a municipal hospital. [See ante, title Hospitals.]

An act relating to Italian interpreters in cities over 100,000. [See ante, title Interpreters.]

An act relating to the recovery of judgments in cities of over 100,000. [See ante, titles Counties, Judgments.]

An act relating to police in cities of the first class. [See ante, title Police.]

An act conferring on the governing bodies of cities and cities and counties over 100,000 inhabitants the power to acquire or condemn land for a suitable site and erect thereon suitable buildings for municipal purposes. [See ante, act 2352.]

An act relating to treasurers' deputies and clerks in cities and counties over 200,000. [See post, title Treasurers.]

Bonds for construction of seawall. [See act providing for submission of question of issuance to people, title Bonds, ante.]

ACT 3178.

For establishing and maintaining an almshouse in. [Stats. 1865-6, p. 214.]

Amended 1867-8, 427. Superseded by the charter of that city.

ACT 3179.

Opening Army Street in. [Stats. 1877-8, p. 270.]

ACT 3180.

Assessor to appoint deputies. [Stats. 1877-8, p. 173.]

Superseded by chap. 4 of art. IV of the charter of San Francisco.

ACT 3181.

Auditor, facilitating transaction of business in office of. [Stats. 1875-6, p. 352.]

Superseded by charter of San Francisco, chap. 2, art. IV.

This act provided for a deputy auditor.

ACT 3182.

Authorizing the grading of Bay Street and the changing of its grade. [Stats. 1877-8, p. 931.]

Cal.Rep.Clt. 68, 400.

ACT 3183.

Board of education authorized to exchange a lot of land. [Stats. 1873-4, p. 574.]

ACT 3184.

In relation to the powers and duties of board of education of. [Stats. 1871-2, p. 561.]

Repealed 1873-4, 782.

ACT 3185.

Defining the boundaries of San Francisco beach and water lots, and granting the same to the city. [Stats. 1861, p. 307.]

Cal.Rep.Clt. 54, 42; 54, 43; 54, 44; 54, 454; 54, 459; 54, 460; 54, 461; 54, 462; 118, 179; 118, 214; 137, 246.

ACT 3186.

City hall, act to provide for the erection. [Stats. 1869-70, p. 722.]

Cal.Rep.Clt. 42, 550; 110, 222.

ACT 3187.

Purchaser of city hall lots, execution and delivery of deeds to. [Stats. 1873-4, p. 939.]

ACT 3188.

New city hall, completion of. [Stats. 1875-6, p. 461.]

Amended 1877-8, 82, 382.

Cal.Rep.Cit. 67, 157.

ACT 3189.

Board of city hall commissioners, abolishing. [Stats. 1873-4, p. 828.]

Supplemented 1875-6, 868.

ACT 3190.

Cemetery Avenue, authorizing supervisors to convey a certain piece of land comprising. [Stats. 1873-4, p. 272.]

ACT 3191.

To provide for an open canal through Channel Street in. [Stats. 1867-8, p. 355.]

Cal.Rep.Cit. 64, 560; 79, 548.

ACT 3192.

Channel Street and Mission Creek, construction of open canal through. [Stats. 1871-2, p. 926.]

Cal.Rep.Cit. 54, 73; 64, 501; 64, 502.

ACT 3193.

City board of examination, conferring further power upon, and upon the board of education, auditor, and treasurer. [Stats. 1873-4, p. 177.]

As to the effect of the charter of San Francisco, see *Mitchell v. Board of Education*, 24 Cal. 380.

ACT 3194.

Authorizing commissioners of the funded debt to transfer certain funds and property to. [Stats. 1871-2, p. 909.]

ACT 3195.

To authorize the commissioners of the funded debt to compromise and settle certain claims to real estate and to convey such real estate pursuant thereto. [Stats. 1862, p. 217.]

Amended 1863, 69. Time extended, 1863-4, 474.

ACT 3196.

Authorizing sales and conveyances by commissioners of the funded debt of. [Stats. 1865-6, p. 686.]

Cal.Rep.Cit. 54, 461.

ACT 3197.

Legalizing conveyances made by the commissioners of the sinking fund. [Stats. 1858, p. 84.]

This act confirmed certain sales made by the commissioners on January 25, 1851.

ACT 3198.

Authorizing mayor of to convey certain lands, to the San Francisco Lying-in Hospital and Foundling Asylum. [Stats. 1871-2, p. 513.]

ACT 3199.

Authorizing supervisors to sell and convey a certain piece of land comprising old Cemetery Avenue and the triangular plaza reserved by the Outside Land Committee up to the new Cemetery Avenue. [Stats. 1871-2, 234.]

ACT 3200.

To legalize certain conveyances. [Stats. 1857, p. 200.]

Cal.Rep.Cit. 53, 596.

This act confirmed sales at auction by the commissioners of the funded debt of San Francisco before the first day of January, 1854.

ACT 3201.

Authorizing conveyances to South San Francisco Homestead and Railroad Association, of certain overflowed lands in San Francisco. [Stats. 1863, p. 497.]

ACT 3202.

Providing for the relief of John J. Conlin, and directing the supervisors of San Francisco to order paid to said Conlin his claim against the city. [Stats. 1895, p. 348.]

Cal.Rep.Cit. 114, 406.

Unconstitutional. (Conlin v. Supervisors, 114 Cal. 404.)

ACT 3203.

Relative to coroners in. [Stats. 1871-2, p. 403.]

Amended 1873-4, 908; 1875-6, 397.

Cal.Rep.Cit. 118, 140.

"Modified as to appointees by sec. 2, chap. 6, art. IV, charter of San Francisco. Superseded as to coroners generally by County Government Act, 1897, 490. Repealed by sec. 1518, Penal Code. See Kuhlman v. Superior Court, 122 Cal. 636."—Code Commissioners' note.

ACT 2204.

Concerning costs in. [Stats. 1865-6, p. 66.]

Amended 1871-2, 98. Repealed 1903, 253.

Cal.Rep.Cit. 58, 67; 70, 328; 89, 461; 113, 645; 113, 948.

The code commissioners in their note, which was prior to the repeal of 1903, say: "Perhaps in force as to plaintiff's costs. (Fanning v. Leviston, 93 Cal. 188; Golden G. L. Co. v. Sahrbacher, 105 Cal. 114). Repealed 1896, p. 267, (Miller v. Curry, 113 Cal. 644,) as to fees named in that act."

ACT 2205.

County clerk, act in relation to. [Stats. 1871-2, p. 58.]

See charter of San Francisco, sec. 14, art. XVI, and sec. 8, chap. 6, art. V.

ACT 2206.

County clerk to keep his office open on all election days. [Stats. 1875-6, p. 142.]

Repealed 1880, 18.

ACT 2207.

Concerning deputies and assistants of county clerk and their salaries. [Stats. 1871-2, p. 76.]

Cal.Rep.Cit. 67, 183.

"Attempted to be superseded by 1880, p. 20, chap. XXVI as amended 1891, p. 5, chap. VII, but they were unconstitutional (San Francisco v. Broderick, 125 Cal. 188); but now superseded by charter of that city."—Code Commissioners' note.

ACT 2208.

Additional fees for city and county attorney and his assistants. [Stats. 1871-2, p. 46.]

Superseded by sec. 12, 1885, 157.

ACT 2209.

Empowering cities and counties of over 100,000 to pay for rent of courtrooms, police stations, and for the salaries of janitors out of the general fund. [Stats. 1880, p. 114.]

Superseded by charter of San Francisco.

ACT 2210.

District attorney of San Francisco, authorizing appointment of a second assistant. [Stats. 1877-8, p. 70.]

Superseded by charter of San Francisco.

ACT 2211.

District attorney of, office of. [Stats. 1873-4, p. 602.]

Superseded by chap. 3 of art. V of charter of San Francisco, 1899, 278.

ACT 3212.

Dupont Street, preservation of name of. [Stats. 1877-8, p. 23.]

ACT 3213.

Dupont Street, San Francisco, widening of. [Stats. 1875-6, p. 433.]

Cal.Rep.Clt. 62, 13; 72, 409; 92, 327; 98, 672; 115, 63.

ACT 3214.

To define and establish the width of East Street. [Stats. 1865-6, p. 361.]

ACT 3215.

Authorizing closing part of Elm Street in San Francisco. [Stats. 1877-8, p. 961.]

ACT 3216.

Registration of voters. [Stats. 1877-8, p. 299.]

Cal.Rep.Clt. 54, 405; 86, 67; 86, 68; 88, 515; 88, 517; 97, 84; 111, 305; 114, 330; 126, 398.

"Superseded in part, if not entirely, by Political Code, secs. 1127, 1128, 1129, and art. XI of the charter of San Francisco. (Fragley v. Phelan, 126 Cal. 883.)"—Code Commissioners' note.

ACT 3217.

Concerning the fees of jurors and witnesses in the city and county of San Francisco. [Stats. 1863-4, p. 365.]

Repealed by act of 1865-6, 122. The repealing act was in turn repealed by the statute of 1903.

Cal.Rep.Clt. 124, 87.

ACT 3218.

Fifteenth Avenue extension in, opening. [Stats. 1875-6, p. 763.]

ACT 3219.

To provide for the prevention of conflagrations and the protection of property saved from fire in San Francisco. [Stats. 1865-6, p. 79.]

Amended 1867-8, 280.

This act provided for the appointment of a fire marshal by the board of underwriters. It was superseded by the charter of San Francisco, chap. 5, art. IX.

ACT 3220.

Providing for a paid fire department in. [Stats. 1873-4, p. 942.]

Superseded by the charter of San Francisco, art. IV, 1899, 335.

ACT 3221.

Reorganizing and regulating the paid fire department of.
[Stats. 1877-8, p. 685.]

Superseded by charter of that city.

ACT 3222.

Supervisors, appointment by, of messenger to board of
fire commissioners. [Stats. 1873-4, p. 863.]

Probably superseded by charter of San Francisco.

ACT 3223.

Providing for support of men belonging to "paid fire department" of, if disabled while in the performance of their duties. [Stats. 1871-2, p. 703.]

Superseded by sec. 8, chap. 7, art. IX, charter of San Francisco.

ACT 3224.

Concerning the compensation of the secretary of the fire department. [Stats. 1871-2, p. 448.]

Superseded by charter.

ACT 3225.

Authorizing president and secretary of exempt fire company to administer oaths in certain cases. [Stats. 1875-6, p. 616.]

ACT 3226.

To authorize the exempt fire company of, to receive and manage the San Francisco department charitable fund and receive from the city and county of San Francisco a house and lot for its use. [Stats. 1865-6, p. 851.]

Amended 1871-2, 359.

ACT 3227.

To establish and maintain a free dispensary in. [Stats. 1877-8, p. 579.]

Superseded by charter of that city.

ACT 3228.

To provide for a free public market on water-front. [Stats. 1897, p. 238.]

Amended 1903, 76.

ACT 3229.

Golden Gate Park, preservation and improvement of.
[Stats. 1875-6, p. 861.]

Superseded by charter of San Francisco, art. XIV.

ACT 3230.

Board of state harbor commissioners authorized to set off a part of water-front for certain purposes. [Stats. 1871-2, p. 728.]

Superseded by Political Code, sec. 2524, as amended 1889.

This act authorized the setting apart of a portion of the water-front for the exclusive use of fishermen.

ACT 3231.

Home of inebriates in. [Stats. 1869-70, p. 585.]

Repealed 1895, 76, 201.

ACT 3232.

House of correction, providing funds to build a. [Stats. 1871-2, p. 878.]

ACT 3233.

In relation to the house of correction of. [Stats. 1877-8, p. 953.]

Repealed 1893, 5.

Cal.Rep.Cit. 64, 252; 72, 11; 87, 82.

ACT 3234.

House of correction, act for government of, and to utilize labor of. [Stats. 1875-6, p. 632.]

Probably repealed by the charter of San Francisco, art. II, chap. 2, sec. 1, subd. 11.

ACT 3235.

Preventing hunting and shooting on private grounds in. [Stats. 1871-2, p. 764.]

ACT 3236.

Illuminating power, quality, standard, and price of gas, regulating in all cities with a population of over 100,000. [Stats. 1877-8, p. 167.]

Repealed as to San Francisco by chap. 2 of art. I of the charter.

Cal.Rep.Cit. 62, 592; 62, 593.

ACT 3237.

Supervisors of, transferring management, control, and direction of industrial school department to. [Stats. 1871-2, p. 544.]

"Juvenile offenders are now committed to the Preston School of Industry or the Whittier State School (1889, 100, 111)."—Code Commissioners' note.

ACT 3238.

Industrial school department of. [Stats. 1873-4, p. 271.]

Probably superseded by 1889, 100, 111, chaps. 193 and 108.

ACT 3233.

Care of inebriates, and certain insane persons in. [Stats. 1875-6, p. 325.]

Repealed 1895, 76.

Cal.Rep.Cit. 95, 145; 95, 146; 95, 150.

ACT 3240.

Inspector of steam boilers and steam tanks, appointment of. [Stats. 1875-6, p. 496.]

Repealed 1880, 8.

ACT 3241.

Additional interpreter for criminal courts. [Stats. 1875-6, p. 153.]

Superseded by the charter of San Francisco.

ACT 3242.

Declaring Islals Creek in, navigable. [Stats. 1867-8, p. 356.]

Repealed by sec. 2349, Pol. Code. Jurisdiction given to harbor commissioners. (Sec. 2, Stats. 1877-8, p. 263.)

ACT 3243.

Ivy Avenue, to close. [Stats. 1877-8, p. 682.]

ACT 3244.

To organize and regulate the justices' court in the city and county of San Francisco. [Stats. 1865-6, p. 423.]

Amended 1869-70, 56; 1871-2, 758. Continued in force by Code of Civil Procedure, sec. 119, as added in 1873-4. Repealed by change in code adopted in 1880.

Cal.Rep.Cit. 48, 48; 114, 331.

ACT 3245.

Regulating proceedings in civil cases in justices' courts in. [Stats. 1871-2, p. 94.]

Repealed by Code of Civil Procedure, sec. 95.

ACT 3246.

Justices' courts for, summons in. [Stats. 1875-6, p. 855.]

Superseded by Code of Civil Procedure, sec. 849.

This act appears in full in Code of Civil Procedure, Appendix, p. 778.

ACT 3247.

Leidesdorff Street, opening and extending. [Stats. 1875-6, p. 563.]

ACT 3248.

Licenses in. [Stats. 1877-8, p. 442.]

Superseded by charter of San Francisco.

ACT 3249.

Facilitating and increasing state and county and municipal licenses in. [Stats. 1871-2, p. 736.]

Cal.Rep.Cit. 52, 608; 53, 572.

Not repealed by codes. (Ex parte Newman, 53 Cal. 571.) The code commissioners say of this act: "As to collector of licenses, superseded by chap. 5, art. IV of the charter of San Francisco, 1899, 274; as to power to impose licenses, by subd. 15, sec. 1, chap. 2, art. II of the same charter, 1899, 248; and probably the whole statute is superseded by the various provisions of this charter."

ACT 3250.

Concerning collector of licenses. [Stats. 1875-6, p. 260.]

Superseded by charter of San Francisco, chap. 5, art. IV.

ACT 3251.

Manufacture of acids and explosive chemicals in. [Stats. 1875-6, p. 360.]

Repealed by charter of San Francisco.

ACT 3252.

To fix the salary of the clerk of the mayor of. [Stats. 1877-8, p. 1023.]

Superseded by charter of that city.

ACT 3253.

To declare Mission Creek in the county of San Francisco a navigable stream. [Stats. 1854, p. 190.]

Incorporated in Political Code, sec. 2349.

ACT 3254.

Montgomery Avenue, modifying grade and providing for grade of. [Stats. 1875-6, p. 753.]

Cal.Rep.Cit. 67, 47; 67, 50; 67, 51; 67, 52; 102, 448.

Declared impracticable in the Montgomery Avenue case. (54 Cal. 579.)

ACT 3255.

Montgomery Avenue, ratifying certain orders relative to street work on. [Stats. 1877-8, p. 341.]

Cal.Rep.Cit. 68, 430; 76, 311.

Unconstitutional. (Fanning v. Schammel, 68 Cal. 428; Kelly v. Luning, 76 Cal. 309.)

ACT 2282.

Establishing and opening Montgomery Street south.
[Stats. 1877-8, p. 322.]

ACT 2287.

Montgomery Avenue, opening and establishing. [Stats.
1871-2, p. 911.]

Supplemented 1873-4, 522.

Cal.Rep.Ck. 47, 347; 79, 392; 82, 47.

ACT 2288.

To provide a public morgue in. [Stats. 1885, p. 25.]

Superseded by chap. 6 of art. IV, and subd. 9 of chap. 2 of
art. I of the charter of San Francisco.

ACT 2289.

Mutual real estate company, sales and conveyances of.
[Stats. 1875-6, p. 525.]

This act authorized the surviving trustees to make sales and
conveyances.

ACT 2290.

North Beach and Mission Railroad Company, granting cer-
tain privileges to. [Stats. 1873-4, p. 851.]

ACT 2291.

North Beach and Mission Railroad Company, granting cer-
tain privileges to. [Stats. 1875-6, p. 525.]

ACT 2292.

Additional notaries public. [Stats. 1871-2, p. 124.]

Repealed by Political Code, sec. 791.

This act provided for a notary to reside at Yerba Buena.

ACT 2293.

Additional notary for. [Stats. 1873-4, p. 129.]

Repealed by Political Code, sec. 791.

ACT 2294.

Providing for the appointment of an additional notary
public. [Stats. 1880, p. 106.]

Superseded by Political Code, sec. 791.

This act required the keeping of an office at the Presidio.

ACT 2295.

Authorizing the appointment of a notary public in the
city and county of San Francisco, to reside and transact
notarial duties at Yerba Buena Island, or Goat Island,

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in the bay of San Francisco, in addition to the number of notaries now authorized by law for said city and county. [Stats. 1908, p. 26.]

This act appears in full in Political Code, Appendix, p. 1109.

ACT 3206.

Supervisors, ratifying and confirming certain ordinances and resolutions of. [Stats. 1873-4, p. 487.]

This act ratified certain ordinances and resolutions relating to street work.

ACT 3207.

Supervisors, ratifying and confirming certain ordinances of, relating to street work. [Stats. 1873-4, p. 588.]

Cal.Rep.Cit. 53, 45.

Unconstitutional. (Reis v. Graff, 51 Cal. 86; Brady v. King, 53 Cal. 44.)

ACT 3208.

Supervisors, legalizing, ratifying, and confirming certain orders and resolutions of. [Stats. 1873-4, p. 589.]

Cal.Rep.Cit. 51, 90.

These orders and resolutions related to the grading of Townsend Street.

ACT 3209.

Ratifying order of supervisors of. [Stats. 1873-4; p. 789.]

This ordinance authorized the conveyance of a tract of land to one George F. Sharp on the performance of certain conditions.

ACT 3270.

Confirming order 806, quieting title to lands in. [Stats. 1867-8, p. 379.]

See, also, 1867-8, 410.

ACT 3271.

Confirming ordinance 840 of supervisors of. [Stats. 1869-70, p. 213.]

ACT 3272.

To confirm order number 883 of the board of supervisors of. [Stats. 1869-70, p. 83.]

This order provided for an exchange of lands between the city and county of San Francisco and Edward Tompkins to certain land in what is known as Hamilton Square.

ACT 3273.

Confirming order No. 1004 of board of supervisors. [Stats. 1871-2, p. 511.]

This was an ordinance requiring property-owners to fence lots and to prevent drifting sand.

ACT 3274.

Confirming order No. 1404 of the board of supervisors of
[Stats. 1877-8, p. 338.]

Cal.Rep.Cit. 54, 574; 64, 509.

ACT 3275.

Ratifying resolution 11,900 of supervisors of. [Stats. 1877-
8, p. 630.]

This resolution vacated certain streets.

ACT 3276.

To extend the jurisdiction of the park commissioners to a
certain highway. [Stats. 1877-8, p. 967.]

This extended their jurisdiction over Point Lobos Avenue.

ACT 3277.

Pharmacy, regulating practice of, in. [Stats. 1871-2, p.
681.]

Amended 1875-6, 582; 1877-8, 388. Repealed 1883, 93.

ACT 3278.

Practice of pharmacy in. [Stats. 1875-6, p. 582.]

Amending 1871-2, 681. Repealed 1883, 93.

ACT 3279.

Increasing and regulating police force of. [Stats. 1871-2, p.
512.]

Superseded by chaps. 1-7 of art. VIII of the charter of San
Francisco.

ACT 3280.

To enable the supervisors of San Francisco to increase the
police force. [Stats. 1877-8, p. 879.]

Amended 1877-8, 965. Superseded by 1889, 108, and the charter
of that city. See *Pennie v. Reis*, 80 Cal. 286; *Clark v. Police Com-
missioners*, 123 Cal. 24.

Cal.Rep.Cit. 66, 655; 87, 548; 123, 24; 127, 551.

ACT 3281.

To create an additional police judge's court. [Stats. 1881,
p. 74.]

Superseded by chap. 8 of art. IV of the charter of San Francisco.

ACT 3282.

To create a police court. [Stats. 1889, p. 62.]

Supplemented 1893, 9. Superseded by the charter of that city,
chap. 8, art. V.

Cal.Rep.Cit. 78, 421; 95, 145; 95, 147; 95, 150.

ACT 3282.

Police judge's court, authorizing prosecuting attorney to appoint clerk. [Stats. 1875-6, p. 856.]

Superseded by charter of San Francisco, chap. 2, art. V.

ACT 3284.

To empower consolidated cities and counties of over 100,000 inhabitants to make alterations in county prisons. [Stats. 1880, p. 100.]

Superseded by charter of San Francisco.

ACT 3285.

Providing for improvement of public parks. [Stats. 1869-70, p. 802.]

Amended 1871-2, 706. Superseded by charter of San Francisco, 1890, 854.

Cal.Rep.Cit. 76, 159.

This act created the office of park commissioners.

ACT 3286.

Concerning certain public reservations for. [Stats. 1873-4, p. 335.]

This act made certain reservations for park and reservoir purposes.

ACT 3287.

To establish a quarantine for the bay and harbor of San Francisco, and sanitary laws for the city and county of San Francisco. [Approved April 4, 1870. Stats. 1869-70, p. 716.]

Amended 1875-6, 305. Superseded by the charter.

Cal.Rep.Cit. 79, 112.

ACT 3288.

Providing for repair and improvement of roads and highways in. [Stats. 1871-2, p. 901.]

Probably repealed by 1883, 5, chap. X, sec. 2; also by charter of San Francisco of 1899.

ACT 3289.

Regulation of sailor boarding-houses and shipping offices. [Stats. 1869-70, p. 241.]

Superseded by secs. 2583 et seq. of the Political Code. These sections were in turn repealed. (Amendments 1875-6, 52.)

ACT 2390.

To provide for the payment of certain salaries in; out of the "Special Fee Fund." [Stats. 1877-8, p. 630.]

Superseded by charter of that city.

This act provided for the payment of the salaries of certain clerks appointed by the supervisors and not otherwise provided for by law.

ACT 2391.

Authorizing the conveyance of a certain lot to San Francisco Ladies' Protection and Relief Society. [Stats. 1871-2, p. 765.]

ACT 2392.

To provide for the San Francisco law library. [Stats. 1869-70, p. 235.]

Amended 1880, 40. See chap. 9, art. V. charter of San Francisco, 1899, 284.

ACT 2393.

Common schools of. [Stats. 1871-2, p. 846.]

Superseded by art. VII of the charter of San Francisco, 1899, 317-325.

ACT 2394.

Support of common schools of. [Stats. 1875-6, p. 902.]

Superseded by charter of San Francisco.

ACT 2395.

Seventh Street, opening. [Stats. 1875-6, p. 772.]

ACT 2396.

Seventh Street, between Bryant and Brannan streets, establishing grade of. [Stats. 1877-8, p. 232.]

ACT 2397.

Sixth Street, opening and establishing, and opening Channel Street. [Stats. 1875-6, p. 866.]

ACT 2398.

Authorizing the construction of a sewer. [Stats. 1877-8, p. 943.]

ACT 2399.

Concerning sheriff of. [Stats. 1871-2, p. 904.]

Superseded by charter of San Francisco, sec. 2, chap. 6, art. V.

ACT 2400.

Sheriff, relating to office of. [Stats. 1877-8, p. 355.]

Superseded by charter of San Francisco, chap. 6, art. V.

ACT 3301.

Certain streets, grades in, modifying. [Stats. 1875-6, p. 500.]

ACT 3302.

To change the grade of certain street crossings. [Stats. 1877-8, p. 966.]

ACT 3303.

Legalizing grades of certain streets. [Stats. 1873-4, p. 590.]

ACT 3304.

Street repairs in. [Stats. 1877-8, p. 4.]

Superseded by charter of San Francisco.

ACT 3305.

Authorizing and facilitating repair of streets and sewers of, in case of urgent necessity. [Stats. 1877-8, p. 544.]

Superseded by charter of that city.

ACT 3306.

For the payment of street assessments against the property of the United States in. [Stats. 1867-8, p. 148.]

Repealed by the charter of that city, art. VI, chap. 2, sec. 8.

ACT 3307.

Street improvements. [Stats. 1871-2, p. 804.]

Amended 1877-8, 139.

Cal. Rep. Cit.	52, 482;	54, 56;	54, 247;	54, 487;	54, 567;
	56, 366;	57, 235;	57, 299;	57, 517;	58, 582;
	58, 586;	60, 555;	61, 280;	63, 366;	63, 401;
	63, 449;	65, 374;	66, 114;	66, 129;	66, 534;
	67, 48;	69, 473;	69, 640;	75, 363;	76, 105;
	76, 150;	76, 151;	76, 320;	76, 321;	76, 546;
	80, 5;	80, 10;	80, 15;	82, 12;	82, 13;
	84, 142;	87, 13;	87, 42;	87, 43;	89, 306;
	89, 320;	93, 161;	97, 310;	97, 573;	108, 160;
	125, 140;	129, 275.			

"Superseded by constitution of 1879. (McDonald v. Patterson, 54 Cal. 245; Thomson v. Ruggles, 69 Cal. 465.)"—Code Commissioners' note. See, however, City Imp. Co. v. Broderick, 125 Cal. 139, 140.

ACT 3308.

Certain streets closed. [Stats. 1873-4, p. 192.]

ACT 3309.

Vacating certain streets, alleys, and market places in. [Stats. 1871-2, p. 722.]

Amended 1873-4, 359; 1903, 263.

ACT 3310.

Superintendent of streets, further powers granted to.
[Stats. 1875-6, p. 307.]

Repealed by Vrooman act, 1885, 147.

ACT 3311.

To confer on supervisors of cities and counties containing more than one hundred thousand inhabitants, power to extend and complete all main intercepting sewers heretofore partially constructed. [Stats. 1880, p. 61.]

Superseded by charter of San Francisco.

ACT 3312.

Supervisors, powers of as to contracts. [Stats. 1877-8, p. 200.]

Repealed by charter of San Francisco.

ACT 3313.

Conferring further powers on board of supervisors of.
[Stats. 1863, p. 560.]

Cal.Rep.Cit. 98, 616.

"Remained in force (San Francisco v. Kiernan, 98 Cal. 614) until superseded by the charter of that city, 1899, 309."—Code Commissioners' note.

This act conferred certain powers as to streets.

ACT 3314.

Conferring additional powers on board of supervisors and on auditor and treasurer. [Stats. 1871-2, p. 735.]

Superseded by charter of San Francisco, 1899, 241-368.

ACT 3315.

Supervisors, conferring additional powers upon. [Stats. 1873-4, p. 31.]

Superseded by charter of San Francisco, 1899, 241.

ACT 3316.

Supervisors, conferring additional powers on. [Stats. 1875-6, p. 795.]

Cal.Rep.Cit. 52, 461.

Superseded by the charter of San Francisco.

ACT 3317.

Supervisors, additional powers of. [Stats. 1877-8, p. 231.]

Superseded by the charter of San Francisco.

This act related to the grading of and work on streets.

ACT 3318.

Conferring further powers on the board of supervisors.
[Stats. 1877-8, p. 829.]

This act gave the supervisors power to appropriate money from the General Fund for urgent necessity purposes, for furniture and repairs for public buildings, and for advertising purposes.

ACT 3319.

Conferring further powers on the board of supervisors.
[Stats. 1877-8, p. 915.]

Repealed 1880, 76.

This act authorized the supervisors to cut, fill, and grade certain streets.

ACT 3320.

To confer additional powers on the board of supervisors in relation to accepted streets. [Stats. 1877-8, p. 959.]

Superseded by the charter of that city.

ACT 3321.

Supervisors, auditor, and treasurer, additional powers of.
[Stats. 1873-4, p. 711.]

Supplemented 1875-6, 74.

Cal.Rep.Cit. 54, 74; 64, 502.

This act authorized the making of certain appropriations, the acquiring of certain lands, including lands contiguous to Channel Street and Mission Creek, and the vacation and sale of certain parts of Channel Street and Mission Creek.

ACT 3322.

Supervisors, auditor, and treasurer, powers of. [Stats. 1875-6, p. 854.]

Superseded by charter of San Francisco.

Cal.Rep.Cit. 62, 586; 62, 590; 62, 600; 62, 601.

This act provided for the expending of unexpended balances.

ACT 3323.

Personal property, assessment, and collection of taxes on. [Stats. 1873-4, p. 477.]

Repealed 1895, 808. Unconstitutional. (People v. Pittsburg R. R. Co., 67 Cal, 625.)

Cal.Rep.Cit. 67, 625.

ACT 3324.

Tehama Street, to provide for the opening and extending of. [Stats. 1877-8, p. 802.]

ACT 3325.

Authorizing final judgments quieting titles to lands in, to be recorded. [Stats. 1865-6, p. 533.]

ACT 3326.

To expedite the settlement of land titles in. [Stats. 1869-70, p. 353.]

ACT 3327.

Training ship, establishing and maintaining. [Stats. 1873-4, p. 394.]

Repealed 1875-6, 54.

ACT 3328.

Training ship in, establishing and maintaining. [Stats. 1875-6, p. 54.]

Amended 1877-8, 238.

ACT 3329.

Regulating payment of money out of treasury of. [Stats. 1877-8, p. 111.]

Supplemented and amended 1877-8, 333. Superseded by the charter of San Francisco.

Cal.Rep.Cit. 62, 590; 62, 600; 104, 317.

This act was what was known as the one-twelfth act.

ACT 3330.

Authorizing the supervisors to open Valencia Street. [Stats. 1877-8, p. 923.]

ACT 3331.

Establishing the grade of Vallejo Street. [Stats. 1877-8, p. 931.]

Cal.Rep.Cit. 80, 15.

ACT 3332.

To ratify and confirm the Van Ness ordinance. [Stats. 1858, p. 52.]

Cal.Rep.Cit. 43, 476; 47, 284; 49, 538; 50, 271; 50, 272; 50, 375; 54, 310; 59, 55; 68, 555; 70, 325; 76, 20; 92, 416; 93, 244; 107, 658; 108, 462; 124, 354; 125, 585; 125, 586; 138, 226.

ACT 3333.

Van Ness Avenue, to provide for the improvement of. [Stats. 1877-8, p. 829.]

ACT 3334.

Describing the water-front of. [Stats. 1851, p. 307.]

ACT 3335.

Concerning water-front of. [Stats. 1877-8, p. 263.]

Amended 1880, 10; 1880, 379; 1891, 283; 1895, 194; 1901, 627. See Political Code, sec. 2524, as amended 1901, 619; also the case

of People ex rel. State Harbor Commissioners v. Pacific Imp. Co.,
130 Cal. 442.

Cal.Rep.Cit. 64, 502; 81, 29; 81, 35; 130, 444.

This act related to the jurisdiction of the harbor commissioners.

ACT 3334.

To provide for the sale of the interest of the state in
property within the water-front line. [Stats. 1853,
p. 219.]

Supplemented 1855, 226; 1858, 139.

Cal.Rep.Cit. 118, 216.

Unconstitutional in part. (Guy v. Hermaner, 5 Cal. 73.)

ACT 3337.

To provide for the sale of certain property of the state
of California within the water-front line. [Stats.
1858, p. 323.]

ACT 3338.

To provide for the further extension of the water-front
line. [Stats. 1880, p. 132.]

ACT 3339.

Water-front of, confirming title to certain property on.
[Stats. 1877-8, p. 417.]

Cal.Rep.Cit. 81, 29.

ACT 3340.

Water rates in, establishing. [Stats. 1875-6, p. 82.]

Amended 1875-6, 760. Repealed by constitution of 1879.
(Spring Valley W. W. v. Bryant, 52 Cal. 132.)

Cal.Rep.Cit. 52, 141; 53, 611.

ACT 3341.

Water-works for, to provide and maintain. [Stats. 1873-
4, p. 807.]

Superseded by art. XII, charter of San Francisco, 1899, 346.

Cal.Rep.Cit. 53, 385; 54, 321.

This act authorized the supervisors to obtain a water supply.

ACT 3342.

Water-works for, to provide and maintain. [Stats. 1875-
6, p. 501.]

Unconstitutional. (Spring Valley v. Bryant, 52 Cal. 132; 53
Cal. 611.) Repealed 1880, 1.

ACT 3343.

Water-front of. Compromise of litigation concerning.
[Stats. 1875-6, p. 905.]

ACT 3244.

Authorizing a conveyance to William Scholle, of certain water lots in San Francisco. [Stats. 1881, p. 3.]

ACT 3245.

An act to regulate the sales of perishable products on the wharves and other state property in the city and county of San Francisco by prohibiting such sales except by or in behalf of those holding permits from the board of state harbor commissioners and making such unlawful sales a misdemeanor, and prescribing the penalty therefor, and providing the conditions upon which such permits shall be issued.

[Approved March 2, 1903. Stats. 1903, p. 73.]

The people of the state of California, represented in senate and assembly, do enact as follows:

Section 1. It shall be unlawful for any person to sell, upon the public wharves or other property belonging to this state, in the city and county of San Francisco, and within the jurisdiction of the board of state harbor commissioners, any fruit, vegetables, poultry, eggs, honey, game, or other produce commonly known, and hereinafter referred to as perishable products, unless such person or the person, firm or corporation, which he may duly represent, shall hold the permit hereinafter described authorizing such sales to be made. Any violation of this act shall be deemed a misdemeanor punishable by a fine of not less than twenty-five dollars or more than five hundred dollars.

Sec. 2. Perishable products consigned to persons, firms or corporations not holding the permit hereinafter described, and delivered by carrier upon any wharf on the San Francisco water-front, must be removed from said wharf within twenty-four hours after their arrival, and the board of state harbor commissioners must levy and collect on such perishable products in addition to the regular state tolls, such additional wharfage as they may prescribe, but not less than the amount of the regular tolls, for each twenty-four hours or fraction thereof which such perishable products shall remain upon the wharf.

Sec. 3. Upon application of any person, firm or corporation receiving or expecting to receive perishable products to be delivered by carrier upon any wharf on the

San Francisco water-front, the board of state harbor commissioners shall issue free of charge to such applicant, a permit authorizing him to sell such products when delivered on the wharves or state property, during the time such perishables are permitted to remain there, under the general regulations prescribed by the commission; provided, nevertheless that said permit shall not be issued until the applicant shall have signed the application which shall read as follows:

"I (or we), ——— expecting to receive consignments of perishable products to be delivered by carrier on the wharves or other property of the state of California in the city and county of San Francisco, and desiring to dispose of the same before removal, hereby make application for a permit to be valid for one year from the date of issue, to sell perishable products on said wharves or other state property. In consideration of the receipt of such permit, I (or we) promise to faithfully observe all the regulations which are or may be prescribed by the board of the state harbor commissioners in regard to such sales, and in particular I (or we) agree that I (or we) will not, during the life of such permit, be a party to any conspiracy, agreement or understanding whereby I (or we) shall refuse to sell [to] any solvent purchaser or buy from any person whatever, and I (or we) agree that I (or we) will sell, impartially, and at the same prices, to all who desire to purchase for cash, without regard to their business or intended disposition of the products, and will exercise no discrimination whatever between buyers or sellers, by reason of their occupation, affiliations or non-affiliations. I (or we) also agree that in case of violation of this agreement, the board of state harbor commissioners may revoke the permit hereby applied for, whereupon I (or we) agree to surrender the same, and I (or we) agree that the board of state harbor commissioners shall be the sole judges of the fact of such violation, I (or we) having had a hearing in the matter.

Date ———

Sec. 4. The permit herein provided for shall be in such form as the board of state harbor commissioners may determine and shall be valid for one year from date of issue and no longer.

Sec. 5. In case of violation of his agreement by the

holder of any permit the board of state harbor commissioners upon a hearing after giving due notice to all parties concerned, and finding the fact of such violation shall revoke and cancel the permit, and shall not issue a new permit to the offending party, except upon a new execution of the agreement hereinbefore set forth and the payment of a fee of fifty dollars, and the right to receive a new permit shall rest in the discretion of said board of state harbor commissioners.

Sec. 6. The board of state harbor commissioners and all its officials and employees are charged with the enforcement of this act, and shall eject from the wharves or other state property all persons found attempting to make sales in violation of this act. And the board of state harbor commissioners through such officials as it may from time to time designate, shall prosecute all violations of this act in the proper court.

Sec. 7. All acts and parts of acts in conflict with this act are hereby repealed.

Sec. 8. This act shall take effect immediately.

TITLE 415.

SANITARY DISTRICTS.

ACT 3246.

"An act to provide for the formation, government, operation, and dissolution of sanitary districts in any part of the state, for the construction of sewers, and other sanitary purposes; the acquisition of property thereby; the calling and conducting of elections in such districts; the assessment, levy, collection, custody, and disbursement of taxes therein; the issuance and disposal of the bonds thereof, and the determination of their validity, and making provision for the payment of such bonds, and the disposal of their proceeds."

[Approved March 31, 1891. Stats. 1891, p. 223.]

Amended 1893, 88; 1895, 85; but this amendment declared unconstitutional (In re Werner, 129 Cal. 567); also amended 1901, 638; 1903, 121.

Cal.Rep.Cit. 99, 556; 99, 557; 123, 600.

Section 1. Whenever twenty-five persons in any county of the state shall desire the formation of a sanitary district within the county, they may present to the board of supervisors of such county a petition, in writing, signed

by them, stating the name of the proposed district, and setting forth the boundaries thereof, and praying that an election be held as provided by this act. Each of the petitioners must be a resident and freeholder within the proposed district.

Sec. 2. When such petition is presented as above provided, the board of supervisors must, within thirty days thereafter, order that an election be held as provided by this act. The order must fix the day of such election, which must be within sixty days from the date of the order, and must show the boundaries of the proposed district, and must state that at such election persons to fill the offices provided by this act, viz.: a sanitary assessor, and five members of the sanitary board, will be voted for. This order shall be entered in the minutes of the board, and shall be conclusive evidence of the due presentation of a proper petition, and of the fact that each of the petitioners was, at the time of the signature and presentation of such petition, a resident and freeholder within the limits of the proposed district.

Sec. 3. A copy of such order shall be posted for four successive weeks prior to the election, in three public places within the proposed district, and shall be published for four successive weeks prior to the election in some newspaper published in the proposed district, if there be one, and if not, in some newspaper published in the county. It shall be sufficient if the order be published once a week.

Sec. 4. The board of supervisors, at any time prior to the election, shall select one polling place within the proposed district, and make all suitable arrangements for the holding of such election. The ticket shall contain the words, "For a sanitary district," or "Against a sanitary district," as the case may be, and the name of a person for sanitary assessor, and the names of five persons for members of the sanitary board. Such election shall be conducted in accordance with the general election laws of the state, so far as the same shall be applicable, except as herein otherwise provided. Every qualified elector, resident within the proposed district for the period requisite to enable him to vote at a general election, shall be entitled to vote at the election above provided for. If a majority of the votes cast at such election shall be in favor of a sanitary district, the board of supervisors shall

make and cause to be entered in the minutes an order that a sanitary district of the name and with the boundaries stated in the petition (setting forth such boundaries) has been duly established, and said order shall be conclusive evidence of the fact and regularity of all prior proceedings of every kind and nature provided for by this act or by law, and of the existence and validity of the district. If a majority of the votes cast shall be against a sanitary district, the board shall, by order, so declare; no other proceedings shall be taken in relation thereto until the expiration of one year from the presentation of the petition.

Sec. 5. Every sanitary district formed under the provisions of this act shall have power to have and use a common seal, alterable at the pleasure of the sanitary board; to sue and be sued by its name; to construct and maintain, and keep clean such sewers and drains as in the judgment of the sanitary board shall be necessary or proper, and for this purpose to acquire by purchase, gift, devise, condemnation proceedings, or otherwise, such real and personal property and rights of way, either within or without the limits of the district, as in the judgment of the sanitary board shall be necessary or proper, and to pay for and hold the same; to make and accept any and all contracts, deeds, releases, and documents of any kind which, in the judgment of the sanitary board, shall be necessary or proper to the exercise of any of the powers of the district, and to direct the payment of all lawful claims and demands against it; to issue bonds as hereinafter provided, and to assess, levy, and collect taxes to pay the principal and interest of the same, and the cost of laying and the expense of maintaining any sewer or sewers that may be constructed subsequent to the issuance of said bonds, or any lawful claims against said district, and the running expenses of the district; to employ all necessary agents and assistants, and pay the same; to lay its sewers and drains in any public street or road of the county, and for this purpose enter upon the same and make all necessary and proper excavations, restoring the same to proper condition; but in case such street or road shall be in an incorporated city or town, the consent of the lawful authorities thereof shall first be obtained; to make and enforce all necessary and proper regulations for the

removal of garbage, and the cleanliness of the roads and streets of the district, and for the purpose of guarding against the spread of contagious and infectious diseases, and for the isolation of persons and houses affected with such diseases, and for the notification of the other inhabitants of the existence thereof, and all other sanitary regulations not in conflict with the constitution and laws of the state; to make and enforce all necessary and proper regulations for suppressing disorderly and disreputable resorts, and houses of ill-fame within the district, and to determine the qualification of persons authorized to sell liquors at retail, and from and after the passage of this act no license to keep a saloon, or sell liquors at retail, shall take effect or be operative within any sanitary district unless the same be approved by the sanitary board of the district; to impose fines, penalties, and forfeitures for any and all violations of its regulations or orders, and to fix the penalty thereof by fine or imprisonment, or both; but no such fine shall exceed the sum of one hundred dollars, and no such imprisonment shall exceed one month; to call, hold, and conduct all elections necessary or proper after the formation of the district; to prescribe, by order, the time, mode, and manner of assessing, levying, and collecting taxes for sanitary purposes, except as otherwise provided herein; to compel all residents and property owners within the district to connect their houses and habitations with the street sewers and drains; and generally to do and perform any and all acts necessary or proper to the complete exercise and effect of any of its powers, or the purpose for which it was formed. [Amendment approved March 26, 1895. Stats. 1895, p. 85. In effect immediately.]

See note at beginning of act.

Sec. 6. The officers of the district shall be a sanitary assessor and five members of the sanitary board.

Sec. 7. There shall be an election for sanitary assessor on every even-numbered year in which members of the sanitary board are elected, and at the same time, place, and manner; and the person then elected shall hold office for two years next thereafter, and until the election and qualification of his successor. The person elected assessor at the election at which the district was formed shall hold office until the election and qualification of his

successor; provided, that if at any time a vacancy occur in the office of assessor, the sanitary board shall appoint a suitable person to fill such vacancy until the next election at which an assessor may be elected under the provisions of this act.

Sec. 8. It shall be the duty of the sanitary assessor to make out, before the first Monday in July of each year, a list of all the tangible real and personal property within the district. Such list shall contain a brief and general description of the property, an assessment of the value thereof, the name or names of the owner or owners, and such other matters as may be ordered by the sanitary board and such matters as shall be necessary to make such list conform to the provisions of the general laws of the state of California. The land shall be assessed separately from the improvements thereon. No mistake in the name of the owner of any of the real or personal property assessed, or any informality in the description, or in other parts of the assessment, shall invalidate the same. The sanitary assessor shall verify said list by his oath before some officer authorized to administer oaths, and shall deposit the same with the sanitary board on the first Monday of July of each year, or as soon thereafter as is practicable. He shall have power to administer all oaths and affirmations necessary or proper in the performance of his duty as assessor, and shall receive such compensation as shall be fixed by the order of the board. He shall also perform such further duties and do such further acts as may be ordered or required by the sanitary board.

Sec. 9. There shall be an election for two members of the sanitary board in every even-numbered year, beginning with the second even-numbered year after the election at which the district was organized, and the two members then to be elected shall hold office until the election and qualification of their successors in the next even-numbered year; and there shall be an election for three members of the sanitary board in every odd-numbered year, beginning with the second odd-numbered year, after the election at which the district was organized, and the three members then to be elected shall hold office until the election and qualification of their successors in the next odd-numbered year. The five members elected at the election at which the district was organized shall, at their first

meeting, or as soon thereafter as may be practicable, so classify themselves, by lot, that two of them shall go out of office in the second even-numbered year after the election at which the district was organized, and upon the election and qualification of their successors, as provided by this act, and three of them in the second odd-numbered year after the election at which the district was organized, and upon the election and qualification of their successors, as provided by this act. All elections for officers after the formation of the district shall be on the first Monday after the first Tuesday in the month of March. The members of the sanitary board shall receive no compensation whatever, either for general or special services.

Sec. 10. The sanitary board shall be the governing power of the district, and shall exercise all the powers thereof, except the making of an assessment list in the first instance, as herein provided. At its first meeting, or as soon thereafter as may be practicable, the board shall choose one of its members as president, and another of its members as secretary. And all contracts, deeds, warrants, releases, receipts, and documents of every kind shall be signed in the name of the district by its president, and shall be countersigned by its secretary. The board shall hold such meetings, either in the day or in the evening, as may be convenient. In case of the absence or inability to act of the president or secretary, the board shall, by order entered upon the minutes, choose a president pro tem., or secretary pro tem., or both, as the case may be.

Sec. 11. The sanitary board shall sit as a board of equalization as soon as it receives the assessor's list, or as soon thereafter as practicable, and shall continue in session as such board, with convenient intermissions, until the entire list furnished by the assessor shall have been examined and rectified, if rectification be necessary. The board shall have power to hear complaints as to the proceedings of the assessor, and to adjudicate and determine the controversy thereon, and may of its own motion raise an assessment, after such reasonable notice to the party whose assessment is to be raised, as may be ordered by the board. After the examination and rectification of the assessor's list shall have been completed, the board shall, by resolution, fix the rate of taxation for sanitary pur-

poses, designating the number of cents on each one hundred dollars to be levied for each fund, and shall designate the fund into which the same shall be paid; but no more than fifteen cents on each one hundred dollars shall be levied for all the sanitary purposes of any one year, besides what shall be required for the payment of the principal and interest of such year upon outstanding bonds. After the entry in the minutes of the resolution fixing the rate of taxation, the sanitary board shall cause the assessor to compute the amount of the tax upon each piece of real and personal property, and enter the same upon the assessment list in a suitable place. The list, when so completed, shall be verified by the assessor and signed by the president and secretary; and the amount of the tax shall thereupon become a lien upon the property upon which it is assessed, and shall have the effect of a judgment against the person of the owner thereof; and every such lien shall have the force and effect of an execution duly levied against all the property of the delinquent; and the judgment shall not be deemed satisfied or the lien extinguished until the taxes are paid or the property sold to satisfy the same, and no statute of limitations shall apply; but no more than seventy-five thousand dollars of bonds shall be voted for or issued at any one time, nor shall the bonded indebtedness of the district ever exceed the sum of seventy-five thousand dollars at any one period, whether it be made up of one issue of bonds or of several issues.

Sec. 12. On or before the first Monday in July of each year, the board shall transmit, or cause the assessor to transmit, a duplicate of the list so made to the tax collector of the county, who shall collect the taxes shown by said list to be due, in the same manner as he collects the county taxes, and all the provisions of the laws of the state as to the collection of taxes and delinquent taxes, and the enforcement of the payment thereof, so far as applicable, shall apply to the collection of taxes for sanitary purposes; and said tax collector and the sureties on his official bond shall be responsible for the due performance of the duties imposed on him by this act; provided, that the sanitary board may, in its discretion, direct the district attorney of the county to commence and prosecute suits for the collection of the whole or any portion of the delinquent taxes; and it shall be the duty of the district at-

torney to carry out such directions of the sanitary board, and he, and the sureties upon his official bond shall be responsible for the due performance of the duty imposed upon him by this act; and provided further, that the sanitary board may, at any time, by order entered in its minutes, provide a system for the collection of delinquent taxes, or make any change in the manner of their collection, which as to such taxes shall have the force of law. All money collected for sanitary purposes by the district attorney under this act shall be at once paid to the county treasurer.

Sec. 13. The tax collector shall pay over to the county treasurer all moneys collected by him for sanitary purposes, as fast as the same shall be collected, and the said treasurer shall keep the same in the county treasury, as follows: In a fund called the bond fund of sanitary district (naming it) he shall place and keep the moneys levied by the sanitary board for such fund; and no part of the money in this fund shall be transferred to any other fund, or be used for any other purpose than the payment of the principal and interest of the bonds of the sanitary district, so long as any such bonds shall be unpaid; in a fund called the running expense of sanitary district (naming it) he shall place and keep the moneys levied by the sanitary board for such fund. The whole or any part of the money in the running expense fund may be transferred to the bond fund, or to the other fund hereinafter provided for, upon the order of the sanitary board, and it shall be the duty of the treasurer to comply with such order. The treasurer shall pay out moneys from either of said funds, or from the fund hereinafter mentioned, only upon the written order of the sanitary board, signed by the president and countersigned by the secretary, which order shall specify the name of the person to whom the money is to be paid and the fund from which it is to be paid, and shall state generally the purpose for which the payment is made, and such order shall be entered in the minutes of the sanitary board. The treasurer shall keep the order as his voucher, and shall keep a specific account of his receipts and disbursements of money for sanitary purposes. The treasurer and sureties upon his official bond shall be liable for the due performance of the duties imposed upon him by this act. The treasurer shall keep the money arising from the sale of bonds in the fund hereinafter mentioned.

Sec. 14. At any time after the district is organized, the sanitary board may, by order entered in the minutes, call an election for the purpose of determining whether bonds shall be issued for the construction of sewers. Such order shall fix the day of the election and shall specify the amount of money to be raised, and shall state in general terms the purpose for which it is to be raised. A copy of such order shall be posted for four successive weeks prior to the election in at least three public places within the district, and shall be published for four successive weeks prior to the election in some newspaper published within the district, if there be one, and if not, in some newspaper published in the county. It shall be sufficient if the order be published once a week.

Sec. 15. At any time prior to the day fixed for the election, the board shall select one, and may select two, polling-places within the district, appoint officers of election, and make all necessary and proper arrangements for holding the election. The tickets shall contain the words "For the issuance of bonds as proposed by the sanitary board," or "Against the issuance of bonds as proposed by the sanitary board." The election shall be conducted in accordance with the general election laws of the state, so far as the same shall be applicable, except as herein otherwise provided. Every qualified elector resident within the district for the length of time necessary to enable him to vote at a general election shall be entitled to vote at the election above provided for. After the votes shall have been announced, the ballots shall be sealed up and delivered to the secretary or president of the sanitary board, which shall, as soon as practicable, proceed to canvass the same, and shall enter the result upon its minutes. Such entry shall be conclusive evidence of the fact and regularity of all prior proceedings of every kind and nature provided by this act or by law, and of the facts stated in such entry. If, at such election, two thirds of the votes cast be in favor of the issuance of bonds, as proposed by the sanitary board, the said board shall thenceforth have full power and authority to issue and dispose of bonds as proposed in the order calling the election. [Amendment approved March 9, 1893. Stats. 1893, p. 88. In effect immediately.]

Sec. 16. All bonds issued under the provisions of this act shall be of such denomination as the sanitary board may determine, except that no bonds shall be of a less denomination than one hundred dollars, nor of a greater denomination than one thousand dollars. Said bonds shall be payable in gold coin of the United States at the office of the county treasurer of the county wherein said district is situated, and shall bear interest at a rate not exceeding five (5) per centum per annum, which interest shall be payable semi-annually in like gold coin. Not less than one-twentieth part of the total issue of bonds shall be payable each year, on a day to be specified by the sanitary board, but no bonds shall be payable in installments, but each bond issued hereunder shall be payable in full on the date specified therein by said board. Each bond shall be signed by the president and countersigned by the secretary of the sanitary board, and said bonds shall be numbered consecutively, beginning with number one (1), and shall have coupons attached referring to the number of the bond to which they are attached, which coupons shall be signed by the president and countersigned by the secretary of said board. The bonds must be disposed of by the sanitary board in such manner and in such quantities as may be determined by said board in its discretion, but no bond must be disposed of for less than its face value. The proceeds of such sale shall be deposited with the county treasurer and shall be by him placed in the fund to be called the sewer construction fund of ——— sanitary district (naming it); the money in such fund shall be used for the purpose indicated in the order calling the election upon the question of the issuance of the bonds, and for no other purpose; provided, that if after such purposes are entirely fulfilled any balance remain in such fund, such balance may, upon the order of the sanitary board, be transferred to either of the other funds provided by this act. If the result of the election be against the issuance of bonds no other election upon the question shall be called or held for a period of one year. Whenever the entire amount of bonds issued by any one district under the provisions of the act of which this is amendatory shall be presented by the holder or holders thereof to the sanitary board of the sanitary district issuing the same, there shall be exchanged therefor and issued in

Heu thereof to such holder or holders, by the sanitary board, bonds issued in accordance herewith for the various installments payable on the so surrendered bonds and said new bonds so issued in exchange for said old surrendered bonds shall be payable at the same times and places as the installments due under the old bonds; it being the intention hereof to permit the surrender of sanitary district bonds heretofore issued payable in installments by the holders thereof, and the exchange therefor of a like amount of bonds of such sanitary district having a denomination equal to the installments payable under one or more of the bonds heretofore issued by any one sanitary district; said new bonds to be payable at the same time as said installments and in equal amounts; the amount of said new bonds to be payable in any one year to equal the amount of the installments on said old bonds payable in such year. All expenses of the exchange shall be borne by the holder of the bonds presented for exchange, and interest on the new bonds shall be paid at the same time and rate as on the old bonds. Upon such exchange being effected the old bonds shall be canceled by punching holes in the signatures thereto attached, and shall be retained by the treasurer of said county as evidence of such cancellation. [Amendment approved March 23, 1901. Stats. 1901, p. 633. In effect immediately.]

Sec. 17. It is hereby made the duty of the sanitary board to levy, each year, upon the property within the district, a sufficient tax to pay off the interest accruing upon said bonds for the respective year, as it falls due, and also to pay one twentieth of the principal of said bonds, so that the entire amount of principal and interest of said bonds shall be paid within twenty years from the date of the issuance of said bonds; and it is hereby made the duty of the tax collector, or such other person as may be charged with the duty of collecting the sanitary taxes, to collect the said taxes so to be levied, and the duty of the sanitary board to order the same to be paid, in manner and form as provided by this act, and the duty of the county treasurer to pay the same. If, for any reason, any portion of the tax for any year remains unpaid, and in consequence thereof any portion of the interest or principal due for any year remains unpaid, the same shall be added to the levy for the next year, and

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be collected and paid accordingly. The payment of the whole amount of the principal and interest of all of said bonds, within twenty years from their issuance, is hereby made the imperative duty of the district; and, if necessary for that purpose, a special tax shall be levied; and it is hereby made the duty of every officer and board to do his respective part towards the levy, collection, and payment of such tax; and mandamus shall issue from the superior court of the county in which the district is situated, or from any other competent court, upon application of any party interested, for the purpose of compelling the performance of the duty imposed by this act upon any and all officers or boards.

Sec. 18. If the result of any election upon the question of the issuance of bonds be in favor of such issuance, the sanitary board may, in their discretion, before such issuance, commence, in the superior court of the county, a special proceeding to determine their right to issue such bonds and the validity thereof, similar to the proceeding in relation to irrigation bonds, provided for by an act entitled "An act supplemental to an act entitled 'An act to provide for the organization and government of irrigation districts, and to provide for the acquisition of water and other property, and for the distribution of water thereby for irrigation purposes,' approved March seventh, eighteen hundred and eighty-seven, and to provide for the examination, approval, and confirmation of proceedings for the issue and sale of bonds issued under the provisions of said act"; and all the provisions of said act shall apply to and govern the proceedings so to be commenced by the sanitary board, so far as the same are applicable; and said proceedings shall be in accordance with the provisions of said act, so far as the same are applicable, and the judgment in such proceedings shall have the same effect as a judgment in relation to irrigation bonds under the provisions of said act.

Sec. 19. Any general regulation of the sanitary board shall be by order entered in the minutes, but such order shall be published once a week for one week in some newspaper published within the district, if there be one, and if there be no such newspaper then such order shall be posted for one week in three public places within the district. A subsequent order of the board that such pub-

lication or posting has been duly made shall be conclusive evidence that such publication or posting has been properly made. Orders not establishing a general regulation need not be published or posted (unless otherwise provided by this act,) but shall be entered in the minutes, and the entry shall be signed by the secretary of the board. A general regulation shall take effect immediately upon the expiration of the week of publication or posting thereof. An ordinary order shall take effect upon the entry in the minutes.

Sec. 20. The board may instruct the district attorney of the county to commence and prosecute any and all actions and proceedings necessary or proper to enforce any of its regulations or orders, and may call upon said district attorney for advice as to any sanitary subject; and it shall be the duty of the district attorney to obey such instructions and to give advice when called on by the board therefor. The board may at any time employ special counsel for any purpose. All fines for the violation of any regulation or order of the sanitary board shall, after the expenses of the prosecution are paid therefrom, be paid to the secretary of the board, who shall forthwith deposit the same with the county treasurer, who shall place the same in the running expense fund of the district.

Sec. 21. The district may at any time be dissolved upon the vote of two thirds of the qualified electors thereof, upon an election called by the sanitary board upon the question of dissolution. Such election shall be called and conducted in the same manner as other elections of the district. Upon such dissolution, the property of the district shall vest in any incorporated city or town that may at said time be in occupation of a considerable portion of the territory of the district, and if there be no such incorporated city or town, then the property shall be vested in the board of supervisors of the county until the formation of such a city or town; provided, however, that if at the time of such election to dissolve such district there be any outstanding bonded indebtedness of such district, then, in such event, the vote to dissolve such district shall dissolve the same for all purposes excepting only the levy and collection of taxes for the payment of such indebtedness; and from the time such district is thus dissolved until such bonded indebtedness, with the in-

terest thereon, is fully paid, satisfied, and discharged, the legislative authority of said incorporated city or town, or the board of supervisors, if there be no such incorporated city or town, is hereby constituted ex-officio the sanitary board of such district. And it is hereby made obligatory upon such board to levy such taxes and perform such other acts as may be necessary in order to raise money for the payment of such indebtedness and the interest thereon, as herein provided.

Sec. 22. The sanitary board shall have power at any time after main sewers, or other sewers are laid, to order and contract for the construction of a sewer in any street or part of a street of the district where a sewer is not already constructed, and to provide by such order that the cost thereof shall be borne by the property fronting along the line of the sewer as ordered. Before ordering any work done, or improvement made, which is authorized by this section, the sanitary board shall pass a resolution of intention so to do and describing the work. The secretary of the board shall thereupon cause to be conspicuously posted along the line of said contemplated work or improvement, at not more than three hundred feet in distance apart, but not less than three in all, notices of the passage of said resolution. Said notices shall, in legible characters, state the fact of the passage of the resolution, its date and briefly the work or improvement proposed, and refer to the resolution for further particulars. He shall also cause a notice, similar in substance, to be published for a period of five consecutive days in a daily newspaper published and circulated in said district, and designated by said sanitary board, or by one insertion in a weekly newspaper so published, circulated and designated. If there be no newspaper published and circulated in said district, then and in that case said secretary shall post said notices in three public places in said district in addition to said posting along the line of said work or improvement. Any owner of property fronting upon said proposed work or improvement may make a written objection to the same within fifteen days from and after the first publication of said notice, or from and after the day of the posting of said notice if the same cannot be published as herein provided, which objection shall be delivered to the secretary of the sanitary board, who shall in-

dorse thereon the date of its reception by him. The sanitary board shall, at its next meeting after the time for presentation of objections has expired, fix a time for hearing said objections, not less than one week thereafter. The secretary of the sanitary board shall thereupon notify the person or persons making such objection, by depositing a notice thereof in the United States postoffice in said district, or if there be none in said district, then in the one nearest thereto, postage prepaid, addressed to each objector, or his agent, when such objector appears by agent. At the time specified said sanitary board shall hear the objections urged, and pass upon the same, and its decision shall be final and conclusive. Upon such decision or at the expiration of the said fifteen days, if no written objection to the work therein described has been made as aforesaid by any owner of the property fronting on said work or improvement, the sanitary board shall be deemed to have acquired jurisdiction to order any work to be done, or improvement to be made, authorized by said resolution and this section. After said sanitary board has acquired jurisdiction to do such work and make such improvement, it may order the work done and improvement made, and provide in such order a time for receiving bids, and likewise authorize the president and secretary of the sanitary board to enter into a contract for the performance of said work and making of said improvement. Such order shall be published for a period of five consecutive days in a daily newspaper published and circulated in said district, and designated by said sanitary board, or by one insertion in a weekly newspaper so published, circulated and designated, and in case there be no such newspaper published and circulated in said district, then and in that event such order shall be posted in at least three public places in said district; and at the opening of said bids the board must award the contract to the lowest responsible bidder, or may reject any and all bids and re-advertise for bids and upon the opening of such bids award the contract to the lowest responsible bidder, unless the board is satisfied there is collusion between bidders when it may again reject the bids and again advertise for bids until they are satisfied the bids are fair and not made under collusion or fraud when it must award the contract. And in case such order is made and such con-

tract is let, then the cost of such work and improvement done under such contract shall become a lien upon and shall be assessed against such blocks, lots and lands fronting upon said work and improvement as would be assessable for said work and improvement under the provisions of that certain act entitled "An act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March eighteenth, eighteen hundred and eighty-five, and acts amendatory and supplemental thereto, and the manner, method and mode of such assessment and collection of such assessment and foreclosure of such lien shall be made in accordance with the provisions of section six and subsequent of said act and acts supplemental and amendatory to such provisions; provided, however, that the words "city council" used in said act shall be understood to mean "sanitary board"; the words "superintendent of streets" and "city engineer" shall be understood to mean "the engineer of such sanitary district"; the words "city" and "municipality" shall be understood to mean "sanitary district"; the words "clerk" and "city clerk" shall be understood to mean "secretary of said sanitary board"; the term "treasurer" or "city treasurer" shall be understood to mean any person or officer who shall have charge of and make payment of the funds of such sanitary district; and further provided, that all the powers and duties conferred by the said provisions of said act and acts amendatory and supplemental thereof upon city councils, superintendent[s] of streets, clerks and city clerks, and treasurers and engineers and city engineers are hereby conferred and imposed upon the respective officers and board above specified. [Amendment approved March 10, 1903. Stats. 1903, p. 121. In effect immediately.]

Sec. 23. All acts and parts of acts in conflict with this act, or any portion thereof, are hereby repealed.

Sec. 24. This act shall take effect immediately.

TITLE 416.

SAN JOAQUIN COUNTY.

ACT 2254.

Authorizing the construction of certain levees by certain parties. [Stats. 1877-8, p. 48.]

ACT 3355.

Protecting certain lands from overflow. [Stats. 1871-2, p. 861.]

ACT 3356.

Providing for the appointment of phonographic reporter in. [Stats. 1871-2, p. 551.]

Repealed by Code of Civil Procedure, secs. 269-274. (People v. Lon Me, 49 Cal. 353.)

ACT 3357.

Concerning certain records of. [Stats. 1857, p. 228.]
This act validated certain records of that county.

ACT 3358.

Roads and highways. [Stats. 1875-6, p. 341.]
Amended 1877-8, 1034. Repealed 1883, 5, chap. X, sec. 2.

ACT 3359.

Authorizing road districts in, to levy a special tax. [Stats. 1871-2, p. 627.]

Repealed by statute of 1883, p. 5, chap. X, sec. 2.

ACT 3360.

Regulating salaries and fixing compensation of officers of. [Stats. 1871-2, p. 874.]

Repealed 1873-4, 578.

ACT 3361.

Regulating salaries and fixing compensation of officers of. [Stats. 1873-4, p. 575.]

Repealed by County Government Acts, see 1897, 505, sec. 184.

ACT 3362.

Shorthand reporter, duties of. [Stats. 1875-6, p. 12.]

Superseded by Code of Civil Procedure, secs. 268 to 274.

ACT 3363.

To encourage destruction of squirrels and gophers in, and to provide a bounty for the same. [Stats. 1877-8, p. 773.]

Superseded by subd. 26, sec. 25, County Government Act, 1897, 465.

ACT 3364.

Supervisors of. [Stats. 1873-4, p. 466.]

Repealed by County Government Acts, see 1897, 452.

ACT 3403.

Regulating fees of recorder of. [Stats. 1877-8, p. 701.]

Repealed by County Government Acts, see 1897, 527, sec. 176.

ACT 3404.

Fees and compensation of district attorney of. [Stats. 1877-8, p. 451.]

Superseded by County Government Acts, see 1897, 527, sec. 176.

ACT 3405.

Authorizing transcribing of records in. [Stats. 1860, p. 11.]

ACT 3406.

Authorizing the transcribing of certain records in. [Stats. 1871-2, p. 402.]

ACT 3407.

Concerning roads in. [Stats. 1871-2, p. 134.]

Amended 1871-2, 690. Repealed 1873-4, 30.

ACT 3408.

Providing funds for road purposes of. [Stats. 1875-6, p. 907.]

ACT 3409.

Fixing salaries of certain officers of. [Stats. 1873-4, p. 618.]

"Repealed as to county judges by the constitution of 1879, abolishing the offices, and as to the other offices, by the County Government Acts, see 1897, 452."—Code Commissioners' note.

ACT 3410.

Salaries and compensation of certain officers. [Stats. 1875-6, p. 608.]

Amended 1877-8, 128. Repealed by County Government Acts, see 1897, 527, sec. 176.

ACT 3411.

Making the act to abate the squirrel nuisance applicable to. [Stats. 1875-6, p. 637.]

ACT 3412.

Providing for an additional superior judge for. [Stats. 1889, p. 6.]

ACT 3413.

Reducing the number of superior judges in. [Stats. 1889, p. 333.]

ACT 3414.

Supervisors, reorganizing. [Stats. 1875-6, p. 493.]

Amended 1877-8, 36. Superseded by County Government Acts, see 1897, 452.

TITLE 422.

SAN LUIS OBISPO, TOWN OF.

ACT 3418.

Incorporating. [Stats. 1875-6, p. 361.]

Amended 1877-8, 683. Superseded by incorporating, in 1884, under Municipal Corporation Act of 1883.

ACT 3419.

Act reincorporating. [Stats. 1871-2, p. 220.]

Amended 1871-2, 434; 1873-4, 328. Superseded by incorporating under Municipal Corporation Act of 1883.

ACT 3420.

Issuance of bonds by. [Stats. 1875-6; p. 382.]

ACT 3421.

Substitution of bonds of city of in lieu of bonds of the town of San Luis Obispo. [Stats. 1877-8, p. 237.]

ACT 3422.

Town of, funds for. [Stats. 1873-4, p. 294.]

Superseded by incorporating, in 1884, under Municipal Corporation Act of 1883.

This act authorized the issuance and sale of bonds.

ACT 3423.

In relation to the police judge of. [Stats. 1877-8, p. 946.]

Superseded by incorporation, in 1884, under the Municipal Corporation Act of 1883.

ACT 3424.

City, streets and roads in. [Stats. 1877-8, p. 701.]

Modified by Political Code, sec. 2642, abolishing the office of road overseers. Superseded by incorporation, in 1884, under Municipal Corporation Act of 1883.

ACT 3425.

To settle title to lands in the town of. [Stats. 1867-8, p. 245.]

Cal.Rep.Ctt. 94, 132.

TITLE 423.

SAN MATEO COUNTY.

ACT 3430.

Boundary fences and trespass of animals in. [Stats. 1875-8, p. 173.]

As to trespassing of animals, repealed 1897, 198.

ACT 3431.

Providing for construction and improvement of highways in. [Stats. 1871-2, p. 297.]

Repealed 1883, p. 5, chap. X, sec. 2.

ACT 3432.

Prescribing duties and providing salaries for certain officers of, etc. [Stats. 1873-4, p. 479.]

Amended 1873-4, 779; 1877-8, 563. Modified and probably repealed by County Government Acts, see 1897, 462.

ACT 3433.

Pounds in, establishing. [Stats. 1875-6, p. 325.]

Amended 1877-8, 323. Repealed by 1897, 198, and subd. 14, sec. 25, County Government Act, 1897, 463.

ACT 3434.

Road overseer in, compensation of. [Stats. 1875-6, p. 31.]

Repealed as to road overseers by Political Code, sec. 2642.

ACT 3435.

Road overseers, compensation of. [Stats. 1877-8, p. 109.]

Superseded by Political Code, sec. 2652, as amended in 1891, 478, and by County Government Acts, see 1897, 452.

ACT 3436.

Extermination of squirrels. [Stats. 1877-8, p. 218.]

Superseded by subd. 26, sec. 25, County Government Act, 1897, 465.

ACT 3437.

To confer powers upon supervisors of. [Stats. 1877-8, p. 700.]

Repealed 1881, 21.

This act authorized the supervisors to transcribe the records of San Francisco and San Mateo counties.

ACT 3438.

Supervisors, additional powers of. [Stats. 1875-6, p. 485.]

Superseded by County Government Acts, see 1897, 452.

This act authorized the supervisors to empower the treasurer to appoint a deputy.

ACT 3439.

Transfer of swamp-land fund of, to general fund. [Stats. 1875-6, p. 218.]

Superseded by subd. 18, sec. 25, County Government Act, 1897, 463.

ACT 3440.

To declare certain tide lands public grounds and granting the same to, in trust for the use of the public. [Stats. 1898, p. 42.]

TITLE 424.**SAN RAFAEL.****ACT 3445.**

Incorporating. [Stats. 1873-4, p. 111.]

Amended 1877-8, 767. Superseded by incorporating, in 1889, under Municipal Government Act of 1883.

TITLE 425.**SANTA BARBARA CITY.****ACT 3450.**

Incorporating. [Stats. 1873-4, p. 330.]

Amended 1875-6, 285; 1877-8, 776. Last act repealed 1887, 108. Superseded by the charter of Santa Barbara, 1899, 450.

ACT 3451.

Additional powers of common council. [Stats. 1877-8, p. 292.]

Superseded by charter, 1899, 448.

ACT 3452.

Legalizing proceedings of trustees of. [Stats. 1865-6, p. 638.]

ACT 3453.

Legalizing grants of lands in. [Stats. 1861, p. 371.]

Supplemented 1862, 495. Amended 1863, 47.

This act legalized grants made by the Ayuntamiento.

ACT 3454.

To legalize and confirm certain grants and sales of town lands by the board of trustees and the mayor and common council of the city of Santa Barbara, made since the passage of the act of March 31, 1866. [Stats. 1869-70, p. 666.]

ACT 3455.

Confirming conveyances made to Santa Barbara Cemetery Association. [Stats. 1875-6, p. 572.]

ACT 3456.

Ratifying ordinance 47 and ordinance 48, passed by common council of. [Stats. 1875-6, p. 282.]

These ordinances related to certain city blocks and certain plazas.

ACT 3457.

Laying out, opening, and improving streets in. [Stats. 1877-8, p. 777.]

"Unconstitutional. (Boorman v. Santa Barbara, 65 Cal. 313.) Superseded by Vrooman Act, 1885, 147, and by the charter of Santa Barbara, 1899, 450."—Code Commissioners' note.

Cal.Rep.Cit. 65, 314; 72, 418.

TITLE 426.**SANTA BARBARA COUNTY.****ACT 3462.**

Concerning trespassing animals in. [Stats. 1871-2, p. 749.]

ACT 3463.

Concerning conveyances in. [Stats. 1873-4, p. 61.]

This act validated a deed acknowledged and recorded by C. E. Cook, formerly county clerk and ex-officio county recorder.

ACT 3464.

County clerk of. [Stats. 1875-6, p. 212.]

Repealed by County Government Acts, see 1897, 531, sec. 179.

ACT 3465.

Fixing salaries of certain officers. [Stats. 1873-4, p. 618.]

"Repealed as to county judges by the constitution of 1879, and as to other officers by the County Government Acts, see 1897, 452."—Code Commissioners' note.

ACT 3466.

Concerning roads in. [Stats. 1871-2, p. 134.]

Amended 1871-2, 690. Repealed 1873-4, 30.

ACT 3467.

Creating special road district in, and providing road fund. [Stats. 1875-6, p. 494.]

Repealed 1877-8, 108.

ACT 3468.

To provide for the extermination of squirrels in. [Stats. 1877-8, p. 787.]

Repealed 1880, 7.

ACT 3469.

Legalizing all proceedings of. [Stats. 1871-2, p. 78.]

Cal.Rep.Cit. 52, 157.

TITLE 427.

ACT 3473. SANTA CLARA CITY.

Act to reincorporate. [Stats. 1871-2, p. 251.]
Amended and sections added, 1873-4, 591.

ACT 3474.

Authorizing corporate authorities to take and hold in trust certain lands. [Stats. 1871-2, p. 206.]

This act had reference to certain lands granted by congress to the town of Santa Clara for the benefit of the bona fide occupants.

TITLE 428.

ACT 3479. SANTA CLARA COUNTY.

To provide for the construction and protection of the Alameda road in. [Stats. 1871-2, p. 367.]

ACT 3480.

Artesian wells in, act to regulate use of, and to prevent waste of water. [Stats. 1875-6, p. 331.]
Repealed 1877-8, 196.

ACT 3481.

Defining duties of county assessor of. [Stats. 1871-2, p. 534.]

See secs. 148 and 162 of the County Government Act, 1897, 491, 607.

This act made the assessor the collector of poll-taxes.

ACT 3482.

Auditor, seal of office. [Stats. 1873-4, p. 600.]

ACT 3483.

Authorizing supervisors to pay certain moneys to county clerk and auditor. [Stats. 1871-2, p. 859.]

Repealed by County Government Act, 1897, 452.

ACT 3484.

Coroner of. [Stats. 1877-8, p. 426.]

Repealed by County Government Acts, see 1897, 508, sec. 161.

ACT 3485.

Regulating fees of county clerk. [Stats. 1871-2, p. 212.]

Amended 1875-6, 402. Repealed by fee bill, 1895, 267. (Miller v. Curry, 113 Cal. 844.)

ACT 3486.

Firemen of, exemption from payment of poll taxes. [Stats. 1873-4, p. 825.]

"Probably superseded by County Government Acts, see 1897, 452, and constitution of 1879, sec. 12, art. XIII."—Code Commissioners' note.

ACT 3487.

To increase the number of judges of the superior court, and to provide for the appointment of an additional judge. [Stats. 1897, p. 7.]

ACT 3488.

Fees and salaries of officers of. [Stats. 1873-4, p. 610.]

Repealed by County Government Acts, see 1897, 506, sec. 161.

ACT 3489.

Fees and salaries of officers of. [Stats. 1875-6, p. 35.]

Amended 1875-6, 363; 1877-8, 288.

"Repealed as to salaries by County Government Act, see 1897, 506, sec. 161; and as to fees by the fee bill of 1895, 267, as to the officers therein provided for."—Code Commissioners' note.

ACT 3490.

Recorder of, fees of. [Stats. 1873-4, p. 230.]

Repealed by the fee bill of 1895, 267.

ACT 3491.

Legalizing certain records of. [Stats. 1861, p. 507.]

ACT 3492.

Concerning Spanish records in. [Stats. 1863, p. 11.]

This act authorized the translation into English of the Spanish records.

ACT 3493.

Concerning the county records of. [Stats. 1869-70, p. 779.]

This act provided for the transcribing of the records.

ACT 3494.

Complete records in, providing for the keeping of. [Stats. 1873-4, p. 231.]

Superseded by County Government Act, 1897, 484, secs. 120, 121, as to recorders only.

ACT 3495.

Roads and highways. [Stats. 1873-4, p. 453.]

Amended 1875-6, 167, 606.

"Unconstitutional as to condemnation proceedings. (Weber v. Santa Clara, 59 Cal. 265.) Repealed 1883, 5, chap. X, sec. 2."—Code Commissioners' note.

ACT 3496.

Public roads in, protection of. [Stats. 1875-6, p. 250.]

Repealed 1877-8, 298.

ACT 3497.

Providing for opening of Santa Clara and Saratoga avenues. [Stats. 1871-2, p. 415.]

Repealed 1878-4, 556. Unconstitutional. (Williams v. Corcoran, 46 Cal. 553.)

Cal.Rep.Cit. 46, 555.

ACT 3498.

Santa Clara Avenue, providing for opening and improving. [Stats. 1871-2, p. 370.]

Amended 1878-4, 588. Repealed 1877-8, 291.

ACT 3499.

Concerning streams in. [Stats. 1871-2, p. 652.]

Amended 1877-8, 293. Superseded by subd. 41, sec. 25, and by sec. 52, County Government Act, 1897, 467, 473.

This act gave the supervisors certain powers over unnavigable streams.

TITLE 429.

SANTA CRUZ CITY.

ACT 3504.

Reincorporating. [Stats. 1875-6, p. 189.]

Supplemented 1877-8, 870.

Cal.Rep.Cit. 60, 68.

ACT 3505.

To incorporate, amending and supplementing act of March 21, 1866. [Stats. 1871-2, p. 471.]

Superseded 1875-6, 189.

ACT 3506.

Isaac E. Davis and Henry Cowell authorized to lay water pipes in. [Stats. 1873-4, p. 229.]

TITLE 430.

SANTA CRUZ COUNTY.

ACT 3511.

To provide a sufficient number of deputies for the county assessor of. [Stats. 1877-8, p. 958.]

Repealed by County Government Act, see 1897, 452.

ACT 3512.

In relation to office of district attorney of. [Stats. 1871-2, p. 440.]

Repealed by County Government Act, 1897, 523, sec. 171.

ACT 3513.

Fees and salaries of officers of. [Stats. 1875-6, p. 576.]

Repealed by County Government Acts; see 1897, 523, sec. 172.

ACT 3514.

Juries in justices' courts and witnesses in courts of record. [Stats. 1877-8, p. 564.]

Repealed by fee bill of 1895, 272.

ACT 3515.

Public and private roads in. [Stats. 1875-6, p. 611.]

Repealed 1888, 5, chap. X, sec. 2.

ACT 3516.

Authorizing condemnation of lands for road purposes. [Stats. 1871-2, p. 397.]

"Probably superseded by the provisions of subds. 4, 7, and 37 of sec. 25, County Government Act, 1897, 457."—Code Commissioners' note.

ACT 3517.

To regulate fees of sheriff. [Stats. 1871-2, p. 221.]

Repealed by fee bill, 1895, 269.

ACT 3518.

Supervisors, duties and salaries of. [Stats. 1877-8, p. 155.]

Repealed by County Government Acts, see 1897, 452.

ACT 3519.

Supervisors, change of line of Santa Cruz Railroad Company. [Stats. 1875-6, p. 725.]

ACT 3520.

County surveyor of. [Stats. 1875-6, p. 34.]

This act fixed the fees and compensation of the surveyor.

TITLE 431.**SANTA MONICA.****ACT 3525.**

Sea gulls, protection of. [Stats. 1875-6, p. 287.]

This act prohibited the killing of gulls within five miles of the town.

This act appears in full in Penal Code, Appendix, p. 699.

TITLE 432.

SANTA ROSA.

ACT 3530.

Reincorporating. [Stats. 1871-2, p. 628.]

Amended 1878-4, 378. Entire act amended 1875-6, 251.

Cal.Rep.Cit. 138, 152.

Compare on the point of municipal election contests sec. 1111, Code Civ. Proc., and see *Carter v. Superior Court*, 70 Pac. 1067.

ACT 3531.

Reincorporating. [Stats. 1875-6, p. 251.]

Cal.Rep.Cit. 125, 121; 138, 152.

ACT 3532.

Altering and defining limits of. [Stats. 1869-70, p. 473.]

ACT 3533.

Board of education of, powers and duties of, establishing and defining. [Stats. 1875-6, p. 514.]

SCHOOL LANDS.

See Public Lands, *anta*.

SCHOOL OF INDUSTRY.

See Preston School of Industry, *anta*.

SCHOOL OF REFORM.

See Whittier State School, *post*.

TITLE 433.

SCHOOLS.

ACT 3538.

Putah school district and Yolo school district, union of. [Stats. 1873-4, p. 350.]

ACT 3539.

Siskiyou, Modoc, and Sonoma counties, apportioning school moneys in, manner of. [Stats. 1873-4, p. 896.]

Amended 1875-6, 83. Superseded by Political Code, secs. 1542, 1858.

ACT 3540.

Wood's Island, in Sacramento County, annexed to Rio Vista school district in Solano County, for school purposes. [Stats. 1875-6, p. 32.]

ACT 3541.

Grass Valley school district, board of education, establishing and defining powers of. [Stats. 1875-6, p. 233.]

ACT 3542.

School moneys, distribution of in certain counties. [Stats. 1875-6, p. 332.]

This act related to Fresno, Contra Costa, Shasta, and Lassen counties. Repealed as to Fresno County, 1877-8, 782. Repealed as to Contra Costa County, 1877-8, 182. Superseded by Political Code, sec. 1858.

ACT 3543.

Consolidating Rattlesnake school district with Wild Goose school district, in El Dorado County. [Stats. 1875-6, p. 801.]

ACT 3544.

Millville school district, Shasta County, an act concerning census of. [Stats. 1875-6, p. 817.]

Superseded by Political Code, sec. 1617, subd. 16, and sec. 1634.

ACT 3545.

Setting off southwestern portion of Sutter Island, in Sacramento County, from Onisbo school district, to Slough school district for school purposes. [Stats. 1877-8, p. 591.]

ACT 3546.

Scott's Valley school district, Siskiyou County, authorizing trustees of to borrow money for school purposes. [Stats. 1877-8, p. 593.]

ACT 3547.

Court-house school district, Sonoma County, to re-establish. [Stats. 1877-8, p. 752.]

ACT 3548.

To attach a portion of Kings River Switch school district to Kingsbury school district, in Fresno County. [Stats. 1877-8, p. 1010.]

ACT 3549.

For the establishment of high schools. [Stats. 1891, p. 182.]

Cal.Rep.Cit. 101, 656; 102, 470; 112, 317; 124, 696; 129, 602.

Unconstitutional. (McCabe v. Carpenter, 102 Cal. 469.) Repealed 1893, 276.

ACT 3550.

Legalizing the establishment of high schools in incorporated cities, and providing for the maintenance and support of such schools. [Stats. 1901, p. 299.]

ACT 3551.

To authorize the establishment of county high schools, and provide for their support. [Stats. 1891, p. 57.]

Repealed 1892, 276.

ACT 3552.

An act relative to the meeting-place of high school boards within municipal corporations.

[Became a law under constitutional provision without governor's approval, March 15, 1901. Stats. 1901, p. 296.]

The people of the state of California, represented in senate and assembly, do enact as follows:

Section 1. Where high schools are situated within the limits of a municipal corporation, the meetings of the high school board may be held at the high school building, or at the meeting-place provided for the board of education of such municipal corporation, as shall be determined by resolution adopted by said high school board.

Sec. 2. This act shall take effect immediately.

ACT 3553.

An act creating a fund for the benefit and support of high schools and providing for its distribution.

[Approved March 2, 1903. Stats. 1903, p. 64.]

The people of the state of California, represented in senate and assembly, do enact as follows:

Section 1. There is hereby levied annually for the fifty-fifth and fifty-sixth fiscal years, ending respectively June thirtieth, nineteen hundred and four, and June thirtieth, nineteen hundred and five, an ad valorem tax of one and one half cents upon every hundred dollars of the value of the taxable property of the state, which tax shall be collected by the several officers charged with the collection of state taxes, in the same manner and at the same time as other state taxes are collected, upon all and any class of property, which tax is for the support of regularly established high schools of the state. And it is fur-

ther enacted that, beginning with the fifty-seventh fiscal year, to wit: July first, nineteen hundred and six, it shall be the duty of the state controller, annually, between the tenth day of August and the first day of September, at the time that he is required to estimate the amount necessary for other school taxes, to estimate the amount necessary to be levied for the support of high schools. This amount he shall estimate by determining the amount required at fifteen dollars per pupil in average daily attendance in all the duly established high schools of the state for the last preceding school year, as certified to him by the state superintendent of public instruction. This amount the state controller, between the dates above given, must certify to the state board of equalization.

Sec. 2. The state board of equalization at the time when it annually determines and fixes the rate of state taxes to be collected, must declare the levy and the rate of tax for the support of state high schools in conformity with the provisions of section one of this act.

Sec. 3. The money collected as provided in sections one and two hereof, after deducting the proportionate share of expenses of collecting the same to which other taxes are subject, must be paid into the state treasury, to be by the state treasurer converted into a separate fund, hereby created, to be called the "State High School Fund."

Sec. 4. The money paid into the state high school fund is hereby appropriated without reference to fiscal years for the use and support of regularly established state high schools and is exempt from the provisions of part three, title one, article eighteen, of an act entitled "An act to establish a Political Code," approved March twelfth, eighteen hundred and seventy-two, relating to the state board of examiners.

Sec. 5. The money in said state high school fund shall be apportioned to the high schools of the state by the state superintendent of public instruction in the following manner: He shall apportion one third of the annual amount among the county, district, city, union, or joint union high schools of the state, irrespective of the number of pupils enrolled or in average daily attendance therein, except as hereinafter provided; the remaining two thirds of the annual amount he shall apportion among such schools pro rata upon the basis of average daily attend-

ance as shown by the official reports of the county or city and county school superintendents for the last preceding school year; provided, that such high schools have been organized under the law of the state, or have been recognized as existing under the high school laws of the state and have maintained the grade of instruction required by law of the high schools; and provided, that no school shall be eligible to a share of said state high school fund that has not during the last preceding school year employed at least two regularly certificated high school teachers for a period of not less than one hundred and eighty days with not less than twenty pupils in average daily attendance for such length of time, except in newly established high schools wherein the minimum average daily attendance for the first year of one hundred and eighty days may be but twelve pupils and but one teacher; and provided, that before receiving state aid, each school shall furnish satisfactory evidence to the superintendent of public instruction of the possession of a reasonably good equipment of building, laboratory, and library, and of having maintained, the preceding school year, proper high school instruction for a term of at least one hundred and eighty days; provided further, that the foregoing provisions relating to the average daily attendance and the number of teachers employed shall not operate to disqualify any legally established high school existing at the date of the passage of this act from receiving a share of said state high school fund until July 1, 1904.

Sec. 6. The principal of every high school entitled to state aid in accord with the foregoing provisions shall annually at the close of the term and prior to receiving his last month's salary and as a prerequisite for such salary make out under oath and deliver to the county superintendent of the county or city and county wherein such high school is situated a full and complete report of said high school for the entire term or school year; such report to show the number of pupils enrolled, the average daily attendance, number of teachers regularly employed, the courses of instruction pursued, and such other information as may be required by the superintendent of public instruction and the county superintendent of schools, the said report to be made upon blanks furnished by said superintendent of public instruction as other school re-

port blanks are furnished; provided, that in the case of joint union high school districts the principals thereof shall report as above required to county superintendents of each of the counties having territory within such joint union high school districts, and in such reports the statistics of attendance and other data for each county separately and collectively shall be given.

Sec. 7. The county superintendent of every county, or city and county, wherein is located a high school, or the building or buildings of a joint union high school, shall annually, at the time required for making reports of primary and grammar schools, make report under oath to the superintendent of public instruction, showing the number of pupils enrolled, average daily attendance, number of teachers regularly employed, and such other information regarding the high schools of his county, or city and county, as he may deem proper, or as may be required by the superintendent of public instruction; said report to be made upon blanks furnished by the superintendent of public instruction.

Sec. 8. It shall be the duty of the county or city and county superintendent of schools of every county, or city and county, wherein is located a high school, or the building or buildings of a joint union high school, on the order of the board of trustees of such high school, to draw his requisition upon the county auditor against the funds of such high school, but no requisition shall be drawn unless the money is in the fund to pay it, and no requisition shall be drawn upon the order of the board of high school trustees or board of education against the state high school fund, except for teachers' salaries, and the order shall state the monthly salary of the teacher, and name the month or months for which such salary is due. Upon the receipt of such requisition the auditor shall draw his warrant upon the county treasurer in favor of the parties for the amount stated in such requisition, and the county treasurer is hereby authorized to pay the same.

Sec. 9. High schools organized under the present law for the establishment of high schools and receiving state aid under this act shall within one year after first beginning to receive such state aid provide at least one course of study such as will prepare pupils for admission to one of the colleges of the University of California, and for that

purpose said high schools shall be subject to inspection by a duly accredited representative of said university. High schools eligible to receive state aid as herein provided shall admit as students only such pupils as have completed the full course of instruction prescribed for the primary and grammar schools of the county or city and county wherein the high school is located, or an equivalent course, or such pupils as may show by thorough examination that their qualifications are equivalent to the requirements for graduation from said primary and grammar school course; provided, that pupils otherwise qualified to enter a high school and residing in territory wherein no high school exists shall have the right to attend any high school that receives state aid under the provisions of this act without the payment of tuition fee, if such schools have room or accommodations for them.

Sec. 10. The state controller must keep a separate account of the high school fund raised as provided in sections one and two of this act. He must on the first Monday in January and on the first Monday in July in every year report to the superintendent of public instruction a statement of all moneys belonging to the state high school fund. He must draw his warrant on the state treasurer in favor of any county or city and county treasurer whenever such treasurer presents, with his indorsement, an order drawn by the superintendent of public instruction against the state high school fund, and the state treasurer is hereby authorized to pay the same; provided, that in the case of counties having joint union high school districts the order of the superintendent of public instruction and the warrant of the state controller shall be in favor of the county treasurer of that county wherein the high school building or buildings are located or wherein the high school is being conducted.

Sec. 11. It is hereby made the duty of the treasurer of every county, or city and county, that receives state money under the provisions of this act to place the same to the credit of the funds of the respective high schools of his county, or city and county, in accord with the apportionment made by the superintendent of public instruction, and to pay out the same according to the provisions of section eight of this act.

Sec. 12. This act shall take effect and be in force from and after its passage.

ACT 3554.

Establishing a branch state normal school. [Stats. 1883, p. 89.]

This act established a branch in Los Angeles County.

ACT 3555.

To establish a branch state normal school in northern California. [Stats. 1887, p. 60.]

ACT 3556.

Establishing a state normal school in San Diego County. [Stats. 1897, p. 114.]

ACT 3557.

To establish a state normal school in San Francisco. [Stats. 1899, p. 177.]

ACT 3558.

To authorize and empower the trustees of the state normal school at San Jose to reconvey to the city of San Jose a parcel of land situate in said city and belonging to the state of California, to the said city of San Jose, for the purpose of erecting and maintaining a free public library upon said parcel of land. [Approved March 23, 1901. Stats. 1901, p. 575.]

ACT 3559.

Text-books in public schools, preventing change in. [Stats. 1875-6, p. 1.]

Repealed 1880, 42, and by sec. 7, art. IX, of the constitution. (People v. Board of Education, 55 Cal. 331.)

ACT 3560.

To provide for the care and security of the state series of school text-books, by the erection of a fire-proof warehouse to be used for the storage of the same, authorizing the appointment of a storekeeper to have the care and custody of said text-books, and appropriating money to pay the expenses of erecting said warehouse. [Approved March 15, 1887. Stats. 1887, p. 131.]

Ten thousand dollars was appropriated for the purposes indicated.

ACT 3561.

An act to provide for compiling, illustrating, electrotyping, printing, binding, copyrighting, and distributing certain books of a state series of school text-books, and appropriating money therefor.

[Approved March 15, 1887. Stats. 1887, 139.]

Defining additional books for compilation.

Section 1. In addition to the books directed to be compiled for use in the common schools of the state by section one of the act entitled An act to provide for compiling, illustrating, electrotyping, printing, binding, copyrighting, and distributing a state series of school text-books, and appropriating money therefor, approved February twenty-six, eighteen hundred and eighty-five, the state board of education shall compile, or cause to be compiled the following described text-books, viz.: One (1) elementary arithmetic; one (1) elementary grammar, or language lessons; one (1) elementary geography; one (1) physiology and hygiene, including a system of gymnastic exercises; and special instructions as to the nature of alcoholic drinks and narcotics, and their effects upon the human system; and the sum of fifteen thousand dollars, in addition to the unexpended balance of the sum appropriated by section eight of said act aforesaid, is hereby appropriated out of any money in the state treasury not otherwise appropriated, for the purpose of compiling, or causing to be compiled, the text-books hereinbefore enumerated, together with those enumerated in section one of said act aforesaid, and still remaining to be compiled. The appropriation provided for in this section shall be subject to the order of the state board of education; provided, that all demands against said appropriation shall first be approved by said state board of education, and presented to the state board of examiners, in itemized form, for their approval; and upon the approval of the state board of examiners, the controller is hereby authorized to draw his warrant upon the state treasurer for the payment of said demands, and the state treasurer is authorized to pay the same.

Remuneration for compiling books.

Sec. 2. The state board of education shall employ well-qualified persons to compile the books mentioned in

section one of this act, and shall fix the remuneration for the services thus rendered; provided, that if competent authors shall compile any one or more works of the first order of excellence, and shall offer the same as a free gift to the people of the state, together with the copyright of the same, and the exclusive right to manufacture and sell such works within the state of California, it shall be the duty of the state board of education to accept such gift, and to expend no money for the purpose of compiling works relating to the subjects treated of in the books thus donated. The state board of education shall furnish to the superintendent of state printing designs for all cuts and engravings to be used in the said series of text-books.

Supervision of superintendent of state printing.

Sec. 3. The printing of all the text-books provided for in section one of this act, and all the mechanical work connected therewith, shall be done by and under the supervision of the superintendent of state printing, at the state printing-office; provided, that the purchase of paper for the school books, and the cardboards, cloth, and leather for covers, shall be procured by advertising for proposals to furnish the same in the manner now provided for by section five hundred and thirty-two of the Political Code, relating to paper supplies for the state printing-office; and provided further, that all folding, stitching, binding, and ruling shall be done in the state bindery; but the accounts of the school book binding shall be kept separate from those of all other binding. The sum of one hundred and sixty-five thousand dollars, in addition to the unexpended balance of the sum appropriated by section nine of said act aforesaid, approved February twenty-sixth, eighteen hundred and eighty-five, seven thousand five hundred dollars of which shall be available during the present fiscal year, is hereby appropriated out of any money in the state treasury not otherwise appropriated, to purchase the necessary machinery, and to properly maintain the same, and to purchase such type and other materials as may be required in the manufacture of the text-books provided for in section one of this act, together with those enumerated in section one of said act aforesaid, approved February twenty-sixth, eighteen hundred and eighty-five, and remaining to be manufactured, as well as to pay the

salaries or wages of the compositors, binders, and other persons to be employed in such manufacture; provided, that the state board of education shall first approve the style of printing, engravings, and illustrations, kind of paper, size, and binding of volumes; said sum to be drawn by the superintendent of state printing in the same manner as provided in subdivision four of section five hundred and twenty-six of the Political Code.

Secure copyrights.

Sec. 4. The state board of education shall secure copyrights to all the books that shall be compiled under the provisions of this act, and shall protect said copyrights from all infringement.

Moneys received kept in state treasury.

Sec. 5. All moneys that have been received or may hereafter be received from the state series of school text-books shall be kept by the state treasurer as a separate and distinct fund, to be known as the "State School Book Fund," which said fund shall be subject to the following drafts, viz.: By the superintendent of state printing for all moneys needed for manufacturing any editions of any book of the state series, over and above the first fifty thousand copies manufactured of such book, the same to be drawn as provided in subdivision four of section five hundred and twenty-six of the Political Code; provided, that all demands on the state school book fund shall be presented to the state board of examiners in itemized form, for their approval; and upon the approval of the state board of examiners, the controller is hereby authorized to draw his warrant upon the state treasurer for the payment of said demands, and the state treasurer is authorized to pay the same.

Sec. 6. This act shall take effect from and after its passage.

ACT 3542.

An act to provide for compiling, illustrating, electrotyping, printing, binding, copyrighting, and distributing an elementary book on civil government, for the state series of school text-books.

[Approved March 19, 1889. Stats. 1889, p. 327.]

Compiling, etc., books on civil government of the United States.

Section 1. The state board of education shall compile, or cause to be compiled, the following described text-book for use in the common schools of the state, viz.: One (1) elementary book on the civil government of the United States, with a special analysis of the government of the state of California.

Printing of.

Sec. 2. The printing of said elementary book on civil government, provided for in section one of this act, shall be done by and under the supervision of the superintendent of state printing, subject to the provisions of section three of an act entitled An act to provide for compiling, illustrating, electrotyping, printing, binding, copyrighting, and distributing certain books of a state series of school text-books, and appropriating money therefor, approved March fifteenth, eighteen hundred and eighty-seven.

Sec. 3. This act shall take effect from and after its passage.

ACT 3563.

An act to provide for compiling, illustrating, electrotyping, printing, binding, copyrighting, and distributing a state series of school text-books, and appropriating money therefor.

[Approved February 26, 1885. Stats. 1885, p. 6.]

Amended 1887, 145; 1891, 453.

Series of school books.

Section 1. The state board of education shall compile, or cause to be compiled, for use in the common schools of the state, a series of school text-books of the following description, viz.: Three (3) readers, one (1) speller, one (1) arithmetic, one (1) grammar, one (1) history of the United States, and one (1) geography. The matter contained in the readers shall consist of lessons commencing with the simplest expressions of the language, and, by a regular gradation, advancing to and including the highest styles of composition, both in prose and poetry.

Compilers of same.

Sec. 2. The state board of education shall employ well-qualified persons to compile the books mentioned in sec-

tion one of this act, and shall fix the remuneration for the services thus rendered; provided, that if competent authors shall compile any one or more works of the first order of excellence, and shall offer the same as a free gift to the people of the state, together with the copyright of the same, and the exclusive right to manufacture and sell such works within the state of California, it shall be the duty of the state board of education to accept such gift, and to expend no money for the purpose of compiling works relating to the subjects treated of in the books thus donated. The state board of education shall furnish to the superintendent of state printing designs for all cuts and engravings to be used in the said series of text-books.

Printing and binding.

Sec. 3. The printing of all the text-books provided for in section one of this act, and all the mechanical work connected therewith, shall be done by and under the supervision of the superintendent of state printing at the state printing-office; provided, that the purchase of paper for the school books, and the cardboards, cloth, and leather for covers, shall be procured by advertising for proposals to furnish the same, in the manner now provided for by section five hundred and thirty-two of the Political Code, relating to paper supplies for the state printing-office; and provided further, that when the state has its bindery in operation, all folding, stitching, binding, and ruling of the state shall be done in the state bindery; but the accounts of the school book binding shall be kept separate from those of all other binding.

Copyrights.

Sec. 4. The state board of education shall secure copyrights to all the books that shall be compiled under the provisions of this act, and shall protect said copyrights from all infringement.

Order for uniform use.

Sec. 5. Whenever any one or more of the state series of school text-books shall have been compiled and adopted, the state board of education shall issue an order requiring the uniform use of said book or books in the common schools of the state; but said order for the uniform use of said book or books shall not take effect till the expiration of at least one year from the time of the completion

of the electrotpe plates of said book or books, and thereafter such book or books shall be used in all the common schools of this state; and no school board or other school authority in this state shall have the power to authorize the use of, nor shall any common school in this state use any books as text-books for pupils other than those directed to be used by the order aforesaid of such state board, except books on such subjects as are not provided for by text-books published by the state. Nothing in this act shall be construed to prevent any county or school district from adopting any one or more of the state series of school text-books whenever said book or books shall have been published. The superintendent of public instruction must withhold from any city, city and county, county, or from any school district in this state using school books in violation of the provisions of this act and section all state school moneys to which it may be entitled, until it comply with the requirements of this section; and any moneys so withheld must be apportioned by the superintendent at the next annual apportionment in the same manner as other school moneys in the treasury. [Amendment approved March 31, 1891. Stats. 1891, p. 453.]

Text-books, how obtained.

Sec. 6. All orders for text-books shall be made on the superintendent of public instruction, and shall be accompanied by cash, in payment for the same, at the price fixed by the state board of education as the cost price at Sacramento; provided, that if the books are to be shipped by mail, the cost of postage shall also accompany the order. The following persons shall be entitled to order books:

1. County superintendents of schools, for the use of teachers, parents, and pupils in their counties only.

2. Principals of state normal schools, for their own and for the use of the pupils in their respective schools only.

3. The secretary or clerk of any school district in the state, whether incorporated or operating under the general law of the state, for the use of the pupils in such district only; but no books ordered by the county superintendents, or clerks of district boards of trustees, or principals of state normal schools, shall be sold at a price exceeding the cost price at Sacramento, with the actual cost of freight and cartage added.

4. Any retail dealer who shall first transmit to the state superintendent of public instruction an affidavit, duly subscribed by him, in substance as follows, to wit:

"In consideration of receiving for sale, upon the inclosed or upon any future order, the series of school text-books, or any part thereof, published by the state of California, I hereby agree that I will not sell the same to any person or persons for the purpose of being sold again, or to any person or persons beyond the limits of the state of California; and that I will not sell said series of text-books or any part or portion thereof, at a price exceeding the price to the pupil fixed by the state board of education."

Said affidavit shall be indorsed by the county superintendent in the following words, viz.:

"I hereby certify that (A B) is a regular retail dealer in school books in — county. C D, county superintendent."

It shall be the duty of the state superintendent of public instruction to furnish, at once to each county superintendent, for the use of any dealer in his county who may apply for permission to sell the books of the state series, printed copies of the above affidavit, together with the list of prices of such books fixed as the cost price at Sacramento, and the price to the pupil; and any dealer who shall fail to comply with the conditions of such affidavit shall forfeit his right to any further purchase of said books from the state. And it shall be the duty of the superintendent of public instruction to report to the state controller, on or before the fifth day of every month, the number of books sold by him during the preceding month, and pay the moneys received for the same into the state treasury. It shall also be the duty of the superintendent of state printing, on or before the fifth day of every month, to report to the state controller the number and value of the books shipped by him on the order of the state superintendent of public instruction, and the number and value of the finished books on hand. [Amendment approved March 15, 1887. Stats. 1887, p. 145. In effect immediately.]

Duties of board of supervisors.

Sec. 7. It shall be the duty of the boards of supervisors of the counties or cities and counties in this state to provide a revolving fund, for the purpose of enabling the county school superintendents to purchase the state text-books; all moneys to be taken therefrom to be replaced by

the moneys received from the sale of said books to the scholars of the public schools of his county, either by himself or by the teachers of the public schools, or the clerks of boards of district trustees. [Amendment approved March 15, 1887. Stats. 1887, p. 146. In effect immediately.]

Appropriation for compilations.

Sec. 8. The sum of twenty thousand dollars is hereby appropriated, out of any money in the state treasury not otherwise appropriated, for the purpose of compiling, or causing to be compiled, the series of text-books for the common schools, as set forth in section one of this act. The appropriation provided for in this section shall be subject to the order of the state board of education; provided, that all demands against said appropriation shall first be approved by said state board of education and presented to the state board of examiners in itemized form for their approval, and upon the approval of the state board of examiners, the controller is hereby authorized to draw his warrant upon the state treasurer for the payment of said demands, and the state treasurer is authorized to pay the same.

Appropriation for presses, type, etc.

Sec. 9. The sum of one hundred and fifty thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, to purchase the necessary machinery, presses, types, bindery, electrotyping apparatus, and such other material as may be required in the manufacture of the text books provided for in section one of this act, as well as to pay the salaries or wages of the compositors, binders, and other persons to be employed in such manufacture; provided, that the state board of education shall first approve the style of printing, engravings, and illustrations, kind of paper, size, and binding of volumes; said sum to be drawn by the superintendent of state printing in the same manner as provided in subdivision four of section five hundred and twenty-six of the Political Code.

Furnished at cost of printing.

Sec. 10. All school books compiled by the state shall be furnished to the public school children of the state at the cost of printing, publishing, and distributing the

same; said cost to be ascertained and fixed by the state board of education, on or before the fifteenth day of June of each school year; and it is further enacted, that the cost of distribution shall be taken to be the cost of postage required for mailing each book. [Amendment approved March 15, 1887. Stats. 1887, p. 146. In effect immediately.]

Sec. 11. All acts or parts of acts in conflict with the provisions of this act are hereby repealed.

Sec. 12. This act shall take effect immediately.

Superintendent of public instruction to employ assistance.

Sec. 4. The superintendent of public instruction is hereby authorized to employ assistance necessary to the carrying out of the provisions of this act. And the controller is hereby directed and authorized to draw his warrants for a sum not exceeding two thousand dollars annually, on the general fund of the state, for the payment of such assistance. [Amendment approved March 15, 1887. Stats. 1887, p. 146. In effect immediately.]

The amendment added this new section at the end, but did not give it a new number. This number is the amendment section number.

ACT 3564.

An act to provide for the revision of certain books of the state series of school text-books, for the compilation of an additional book of said series, and for the continued publication of the same; and to authorize and direct the use, for these purposes, of the money accumulated in the state school book fund.

[Approved March 9, 1893. Stats. 1893, p. 85.]

Section 1. The state board of education is hereby authorized and directed to revise the following books of the state series of school text-books, viz.: The first, second, and third readers, the English grammar, the United States history, and the advanced arithmetic, and to compile a primary history of the United States; and in such revision and compilation may employ well-qualified persons to assist them; provided, that in revising said readers the board may cause them to be issued in a series of five books or less, in their discretion; and the board shall furnish to the superintendent of state printing designs for all cuts and engravings to be used in the books revised and compiled under the provisions of this section.

Sec. 2. All indebtedness incurred by said board in carrying out the provisions of section one of this act shall be paid out of the money accumulated in the state school book fund from the sale of the state series of school text-books; provided, that all demands on account of such indebtedness shall first be approved by said state board of education, and presented to the state board of examiners, in itemized form, for their approval, and upon the approval thereof by the state board of examiners the controller is hereby authorized to draw his warrant upon the state treasurer for the payment of said demands, and the state treasurer is authorized to pay the same; provided further, that the indebtedness incurred by said board in carrying out the provisions of section one of this act shall not exceed the sum of twenty-five thousand dollars (\$25,000), which sum is hereby appropriated from the state school book fund for the use of the said board in the premises.

Sec. 3. The state board of education shall secure copyrights to all the books that shall be revised or compiled, as the case may be, under the provisions of this act, and shall protect said copyrights from all infringement.

Sec. 4. Whenever any one or more of the state series of school text-books shall have been revised or compiled, the state board of education shall issue an order requiring the uniform use of said book or books in the common schools of the state; but said order for the uniform use of said book or books shall not take effect till the expiration of at least one year from the time of the completion of the electrotypes plates of said book or books. Nothing in this act shall be construed to prevent any county, city, city and county, or school district from using any one or more of the state series of school text-books provided for in this act, whenever said book or books shall have been published.

Sec. 5. The printing and binding of all text-books, specified in section one of this act, and all the mechanical work connected therewith, shall be done by and under the supervision of the superintendent of state printing, at the state printing-office; provided, that the purchase of paper for the school books, and the binder's boards, cloths, and leather for covers, shall be procured by advertising for

proposals to furnish the same, in the manner now provided for by section five hundred and thirty-two of the Political Code, relating to paper supplies for the state printing-office.

Sec. 6. Whenever the appropriations heretofore made from the general fund to the use of the superintendent of state printing for the manufacture of books of the state series of school text-books is exhausted, all indebtedness incurred for the further manufacture of said books shall be paid from the state school book fund, together with all indebtedness incurred for the purchase and proper maintenance of such necessary machinery as may be required in the manufacture of said books, and to purchase such type and other materials as may be required for the same; provided, that all demands on the state school book fund, for the purposes enumerated in this section, shall be presented to the state board of examiners, in itemized form, for their approval; and upon the approval of the state board of examiners, the controller is hereby authorized to draw his warrant upon the state treasurer for the payment of said demands, and the state treasurer is authorized to pay the same.

Sec. 7. This act shall take effect immediately.

ACT 3565.

An act to provide for the levy and collection of taxes by and for school districts, except in municipal corporations of the first class.

[Approved February 14, 1891. Stats. 1891, p. 4.]

Section 1. In all cases where the board of school trustees, board of school directors, board of education, or other governing board of any school district in this state, except in [a] municipal corporation of the first class, has or may hereafter have power to raise money by taxation without a vote of the people of the school district, in addition to the funds provided by state and county for school or educational purposes, such money shall be raised and such taxes shall be levied and collected in the manner following, to wit: The board of trustees, directors, or board of education shall, within the limits fixed by law, estimate the amount of money to be so raised by taxation, and required by their respective districts for school purposes during the year next ensuing, which year shall begin on

the first Monday of January, at twelve o'clock, M. Said meeting for such purpose shall be held between the first and twentieth day of September in each year; said estimate, showing the amount and for what purpose the same is to be used, shall be entered upon the records of the board making the same, and signed by a majority of said board, and attested by the clerk or secretary of said board. Said clerk or secretary shall immediately furnish to the board of supervisors of the county in which such district is situated a copy of said record containing such estimate, which shall show the name of the district, the amount of money to be raised, and the purposes for which it is to be used.

Sec. 2. The board of supervisors, upon receipt of such estimate, must, at the time of levying the county taxes, levy a tax upon all the taxable property in the school district requiring such money sufficient to raise the amount; the rate of taxation shall be ascertained by deducting fifteen per cent for anticipated delinquencies from the aggregate assessed value of the property in the district as it appears on the assessment roll of the county, and then divide the amount to be raised by the remainder of said aggregate assessed value. The taxes so levied shall be computed and entered on the assessment roll by the county auditor, and collected at the same time and in the same manner as state and county taxes; and when collected, shall be paid into the county treasury for the use of the district for which said money was collected. The county treasurer shall, upon demand, pay out such moneys to the district entitled thereto, in the same manner as other school moneys are paid out by such treasurer.

Sec. 3. All acts and parts of acts in conflict with this act are hereby repealed.

The code commissioners say of this act: "Modified, perhaps repealed, by Political Code, secs. 1830 and 1836, as amended 1893, 263."

ACT 3566.

To enable cities of the fifth class to issue bonds for the purchase of schoolhouse lots, for the building of schoolhouses and supplying the same. [Stats. 1891, p. 264.]

Repealed 1893, 295.

ACT 3507.

An act to enable school districts, in cities of the fifth class, and school districts which embrace territory a portion of which is within and a portion of which is without such cities of the fifth class, to issue bonds for the purpose of raising money to purchase school lots, and for building or purchasing one or more schoolhouses, and supplying the same with furniture, necessary apparatus, and improving the grounds, and for liquidating any indebtedness already incurred for such purposes, and to repeal an act approved March 31, 1891, entitled "An act to enable cities of the fifth class to issue bonds for the purpose of raising money to purchase school lots and for building or purchasing one or more schoolhouses, and supplying the same with furniture, necessary apparatus, and improving the grounds, and for liquidating any indebtedness already incurred for such purposes."

[Approved March 23, 1893. Stats. 1893, p. 292.]

Amended 1897, 103.

Section 1. The board of education of any school district in a city of the fifth class, or of any school district which embraces territory, a portion of which is within and a portion of which is without such city of the fifth class, may, when in their judgment it is advisable, and must, when requested by the board of trustees of such city, call an election and submit to the electors of the district whether the bonds of such district shall be issued and sold for the purpose of raising money to purchase school lots, and for building or purchasing one or more schoolhouses, and supplying the same with furniture, necessary apparatus, and improving the grounds, and for liquidating any indebtedness already incurred for such purposes. [Amendment approved March 11, 1897. Stats. 1897, p. 103. In effect immediately.]

Sec. 2. Such election must be called by posting notices, signed by the board of education, in three of the most public places in the district, for not less than twenty days before the election, and by publishing such notices, in some newspaper published in such city, not less than once a week for three successive weeks.

Sec. 3. Such notices must contain:

1. The time and place of holding such election.
2. The names of one inspector and two judges in each voting precinct in said district, to conduct the same.
3. The hours during the day, not less than six hours, in which the polls will be open.
4. The amount and denomination of the bonds, the rate of interest, and the number of years, not exceeding ten, the whole or any part of said bonds are to run.

Sec. 4. Such election shall be held, in all respects as nearly as practicable, in conformity with the general election law; provided, that no particular form of ballot shall be required, excepting that the words to appear on the ballots, which shall be "Bonds—Yes," or "Bonds—No"; nor shall any informalities, not amounting to fraud, in conducting such election, invalidate the same.

Sec. 5. On the seventh day after said election, at one o'clock, P. M., the returns having been made to the board of education, the board must meet and canvass said returns, and if it appears that two thirds of the votes cast at said election were in favor of issuing such bonds, then the board shall cause an entry of that fact to be made upon its minutes, and shall certify to the board of supervisors of the county in which said district is located the proceedings had in the premises; and thereupon said board of supervisors shall be and they are hereby authorized and directed to issue the bonds of such district to the number and amount provided in such proceedings, payable out of the bond fund of such district (naming the same), and that the money shall be raised by taxation upon the taxable property in said district for the redemption of said bonds, and the payment of the interest thereon; provided, that the total amount of bonds so issued shall not exceed five per cent of the taxable property of the district as shown by the last equalized assessment of the property in such school district.

Sec. 6. The board of supervisors, by an order entered upon its minutes, shall prescribe the form of said bonds, and of the interest coupons attached thereto, and must fix the time when the whole or any part of the principal of said bonds shall be payable, which shall not be more than ten years from the date thereof.

Sec. 7. Said bonds must be payable in gold coin of the

United States; must be signed by the president of the board of supervisors, and countersigned by the clerk of the county, who must affix the county seal thereto; must not bear a greater rate of interest than eight per cent, said interest to be payable semi-annually in like gold coin; and said bonds must be sold in the manner prescribed by the board of supervisors, but for not less than par, in gold coin of the United States, and the proceeds of the sale thereof must be deposited in the county treasury to the credit of the building fund of said school district, and be drawn out for the purpose aforesaid as other school moneys are drawn out.

Sec. 8. The board of supervisors, at the time of making the levy of taxes for county purposes, must levy a tax for that year upon the taxable property in such district for the interest and redemption of said bonds; and such tax must not be less than sufficient to pay the interest of said bonds for that year, and such portion of the principal as is to become due during such year, and in any event must be high enough to raise, annually, for the first half of the term said bonds have to run, a sufficient sum to pay the interest thereon, and during the balance of the term, high enough to pay such annual interest; and to pay, annually, a proportion of the principal of said bonds equal to a sum produced by taking the whole amount of said bonds outstanding and dividing it by the number of years said bonds then have to run; and all moneys so levied, when collected, shall be paid into the county treasury to the credit of the building fund of such district, and be used for the payment of principal and interest on said bonds, and for no other purpose. The principal and interest on said bonds shall be paid by the county treasurer, upon the warrant of the auditor, out of the fund provided therefor; and it shall be the duty of the auditor to cancel and file with the treasurer the bonds and coupons as rapidly as they are paid. This section shall also apply to all cases where bonds were issued under the provisions of the aforesaid act, approved March 31, eighteen hundred and ninety-one, and in such cases all moneys collected under the provisions of this section shall be paid by the county treasurer, upon the warrant of the auditor, to the city treasurer of the city where such bonds and the interest thereon are payable. Warrants for all such moneys

shall be drawn by the auditor from time to time, upon the demand of such city treasurer. [Amendment approved March 11, 1897. Stats. 1897, p. 104. In effect immediately.]

Sec. 9. If the board of supervisors of any county in which any school district has issued bonds, under the provisions of this act or under the provisions of said act approved March thirty-first, eighteen hundred and ninety-one, shall fail to make the levy necessary to pay such bonds or interest coupons at maturity, and the same shall have been presented to the county treasurer, and the payment thereof refused, the owner may file the bonds, together with all unpaid coupons, with the state controller, taking his receipt therefor, and the same shall be registered in the state controller's office; and the state board of equalization shall, at their next session, and at each annual equalization thereafter, add to the state tax to be levied in said district a sufficient rate to raise the amount of principal and interest past due prior to the next levy, and the same shall be levied and collected as a part of the state tax, and paid into the state treasury, and passed to the special credit of such district bond tax, and shall be paid by warrants, as the payments mature, to the holder of such registered obligations, as shown by the register in the office of the state controller, until the same shall be fully satisfied and discharged; any balance then remaining shall be transmitted to the treasurer of the county in which is situated the district by which such bonds were issued, and shall be placed by the county treasurer to the credit of the general school fund of said district. [Amendment approved March 11, 1897. Stats. 1897, p. 104. In effect immediately.]

Sec. 10. The act approved March thirty-first, eighteen hundred and ninety-one, entitled "An act to enable cities of the fifth class to issue bonds for the purpose of raising money to purchase school lots, and for building or purchasing one or more schoolhouses, and supplying the same with furniture, necessary apparatus, and improving the grounds, and for liquidating any indebtedness already incurred for such purposes," is hereby repealed.

Sec. 11. This act shall take effect and be in force from and after its passage.

ACT 3568.

An act to provide for the change of name of school districts and the manner of making such change.

[Approved March 16, 1903. Stats. 1903, p. 163.]

The people of the state of California, represented in senate and assembly, do enact as follows:

Section 1. Whenever a petition shall be presented to the board of supervisors, signed by at least fifteen qualified electors of said district, asking that the name of any school district be changed, the said board of supervisors shall designate a day upon which they will act upon such petition, which day must not be less than ten days nor more than forty days after the receipt thereof. The clerk of the said board of supervisors must give notice to all parties interested, by sending by registered mail to each of the trustees of such school district, a notice of the time set for the hearing of said petition, which notice must be mailed at least ten days before the day set for hearing, whereupon the board shall by resolution either grant or deny the petition, and if granted, the clerk shall notify the county superintendent of the change of the name of said district.

Sec. 2. This act shall take effect immediately.

ACT 3569.

An act to provide for the appointment and salary of a clerk in the office of the superintendent of public instruction, and to make an appropriation therefor.

[Approved March 27, 1895. Stats. 1895, p. 238.]

Section 1. The superintendent of public instruction may appoint an additional clerk, who shall be a stenographer, at a salary of twelve hundred dollars per year, payable in the same manner as the salaries of other civil officers of the state are paid.

Sec. 2. There is hereby appropriated out of any moneys in the state treasury not otherwise appropriated the sum of twenty-four hundred dollars, for the payment of said clerk's salary for the forty-seventh and forty-eighth fiscal years, commencing July first, eighteen hundred and ninety-five.

Sec. 3. This act shall take effect immediately

ACT 3570.

An act to create and administer a public school teachers' annuity and retirement fund in the several counties, and cities and counties of the state.

[Approved March 26, 1895. Stats. 1895, p. 170.]

Amended 1897, 225; 1901, 676; 1903, 271.

Section 1. The superintendent of public schools, or in consolidated cities and counties, the superintendent of common schools, the county treasurer, or in consolidated cities and counties, the city and county treasurer, and the chairman of the board of supervisors, or in consolidated cities and counties, the mayor, of each county, or consolidated city and county, and their successors in office, are hereby constituted a board of trustees of the public-school teachers' annuity and retirement fund, to manage the same as hereinafter directed; said board shall be known as the public school teachers' retirement fund commissioners, and its members shall serve without extra compensation, and shall be liable on their official bonds for the performance of the duties imposed by this act. It shall be the duty of the district attorney of every county, or the city and county attorney of every consolidated city and county, to attend to all suits, matters, and things in which the said board of commissioners may be legally interested, and to give his advice or opinion, in writing, whenever required by said board. [Amendment approved March 29, 1897. Stats. 1897, p. 225. In effect immediately.]

Sec. 2. The public school teachers' retirement fund commissioners shall organize as such board by choosing one of their number as chairman, and one as secretary. The county treasurer, or in consolidated cities and counties, the city and county treasurer, shall be ex-officio treasurer of said retirement fund. Said board shall hold quarterly meetings on the third Saturday in January, April, July, and October of each year, at the office of the county superintendent of public schools, or, in consolidated cities and counties, at the office of the superintendent of common schools. It shall biennially, at its meeting in January, select from its members a chairman and a secretary. A majority of its members shall constitute a quorum for the transaction of business. It shall report annually to the board of supervisors of the county, or consolidated city

and county, the condition of said retirement fund, and the receipts and disbursements on account of the same, with a full and complete list of the beneficiaries of said fund, and the amounts paid to each of them. [Amendment approved March 29, 1897. Stats. 1897, p. 225. In effect immediately.]

Old section 3 amended and renumbered section 8.

Sec. 3. Said board of public school teachers' retirement fund commissioners shall issue warrants, signed by its chairman and secretary, to the persons entitled thereto, for the amounts of money ordered paid to such persons from said fund by said board, stating therein for what purpose such payment is made, and the treasurer shall pay such warrants on presentation. Said board shall keep a record of all its proceedings, and said record shall be open to public inspection. It shall, at each quarterly meeting, make a list of all persons, if any, entitled to payment out of the funds provided by this act, and enter said list in a book to be kept by them for that purpose, to be known as the public school teachers' annuity and retirement fund book, which list shall be sworn to as correct by the chairman and the secretary of said board, and which shall be open to public inspection. [New section approved March 29, 1897. Stats. 1897, p. 226. In effect immediately.]

Sec. 4. In addition to the powers hereinbefore granted to said board, it shall have the power, (1) to provide for the payment of its necessary expenses, such as printing, stationery, and postage stamps; and where the number of those subject to the burdens of this act is greater than one hundred, it may employ a clerk at a salary not to exceed fifty (50) dollars per annum; and (2) to make such needful rules and regulations for the transaction of its business, from time to time, as may be necessary; the said expenses and the said clerk's salary shall be paid from the annuity fund in such counties or consolidated cities and counties, wherein there shall be "annuity funds," but, wherever there shall be no "annuity fund," the said expenses shall be paid from the "distribution fund," and the said salary from the reserve fund. [Amendment approved March 20, 1903. Stats. 1903, 271. In effect immediately.]

Sec. 5. Those subject to the burdens of this act in each county, or in each consolidated city and county, at a meeting called for the purpose by the superintendent of

public schools of such county or of such city and county, on the first Saturday in May following the creation of the fund hereinafter specified, shall elect by ballot five of their number, who shall constitute a committee on retirement; the members of said committee shall, immediately after their election, classify themselves by lot so that one shall serve for one year, two serve for two years, and two shall serve for three years; and, annually, at a meeting to be called in the same manner on the first Saturday in May of each year after the first meeting, the successor or successors of the member or members of said committee whose term of office is about to expire, shall be elected for a term of three years; provided, however, that said committee shall always consist of at least one class teacher from some primary school, one from some grammar school, and one from some high school in the county, or consolidated city and county, whenever such election is possible. In the event of a vacancy, the superintendent of schools shall appoint until the next annual election.

Within fifteen days after the taking effect of this amendatory act, the contributors to said fund in any county, or consolidated city and county, in this state, at a meeting called for that purpose, by the superintendent of public schools of such county, or consolidated city and county, (or if he neglects or refuses to call such meeting, then such meeting may be called by ten of such contributors,) may select and designate by resolution adopted by a majority vote of those present, which of the two alternatives presented in section 8 class two, in section 8 class six, in section 8 class seven, and in section 11, respectively, shall be followed in such county or consolidated city and county.

In the event that no such meeting is called or held for the purpose of making such selection and designation, the said contributors in such county, or consolidated city and county, wherein no such meeting shall be held, will be deemed to have selected the first (marked subdivision "A") of each of the above mentioned alternatives.

In counties and consolidated cities and counties where a public school teachers' annuity and retirement fund shall be hereafter created the said selection and designation shall be made at the said meeting to be held on the first Saturday in May following the creation of said fund. After any selection and designation shall have been made, pur-

suant to this section, no change shall ever be made thereafter in that connection. A certified copy of all resolutions adopted pursuant to this section shall be furnished by said meeting of said contributors to the board of public school teachers' retirement fund commissioners of such county or consolidated city and county. [Amendment approved March 20, 1903. Stats. 1903, p. 271. In effect immediately.]

Old section 6 amended and renumbered 10.

Sec. 6. The board of education of any incorporated city or town, and the board of trustees of any school districts outside of said city or town, shall refer all applications for retirement to said committee on retirement, or may, of its own motion, submit the name of any person or persons, whom it desires to have retired, to the said committee on retirement, and it shall thereupon be the duty of said committee to investigate the case and report to said board of education or board of trustees, whether or not said teacher should be retired, and the annuity to which said teacher is entitled, if entitled to any. At least three members of the said committee must concur in the report, if it be in favor of granting said annuity. This report of said committee shall be final. Said board of education, or board of trustees, shall thereupon certify and send this report to the public school teachers' retirement fund commissioners, who shall be bound by its decision. [New section approved March 29, 1897. Stats. 1897, p. 227. In effect immediately.]

Old section 7 amended and renumbered 12.

Sec. 7. In addition to the powers heretofore granted to said committee on retirement, it shall have the power (1) to subpoena and compel witnesses to attend and testify before it on all matters relating to the operation of this act, and any member of said committee may administer an oath or affirmation to such witness in the form prescribed in courts of justice; (2) to make such rules and regulations for the transaction of its business as may from time to time be necessary. [New section approved March 29, 1897. Stats. 1897, p. 227. In effect immediately.]

Old section 8 amended and renumbered 13.

Sec. 8. Any public school teacher or any occupant of one of the offices mentioned in subdivision four of section twelve of this act, who has been a contributor under

the provisions of this act, and who has ceased teaching, for a time, or has ceased to occupy such office, may again become a contributor upon returning to teaching in the public schools of this state, or upon becoming an occupant of any one of the offices mentioned in said subdivision four of section twelve, and shall thereupon be credited with his said previous service and contribution; provided, that no person shall be a contributor to a public school teachers' annuity and retirement fund under this act who does not hold a valid certificate or diploma to teach in the public schools of this state.

The annuitants under this act are classed as follows:

Annuitants.

Class One. Any teacher who shall have served in the public schools of this state for thirty years as a teacher, and who shall have been subject to the burdens imposed by this act for thirty years, shall be entitled to retire under the provisions of this act.

Any teacher who has served in the public schools of this state, and who has served in one or more of the offices mentioned in said subdivision four of section twelve, and the aggregate period of whose service in the said public schools and in said office or offices shall be thirty years, and who shall have been subject to the burdens imposed by this act during said thirty years, shall be entitled to retire under the provisions of this act; provided, however, such teacher shall have held a valid certificate or diploma to teach in the public schools of this state during all of said period. Annuitants of class one shall be entitled to receive from the said public school teachers' annuity and retirement fund the sum of thirty (30) dollars per month in counties, and fifty (50) dollars per month in consolidated cities and counties, payable quarterly.

Class Two. Any teacher who shall have served in the public schools of this state for thirty years, and who was unable to contribute to said public school teachers' annuity and retirement fund for thirty years, by reason of the non-establishment or non-existence of said fund, and any teacher who shall have served in the public schools of this state, and who shall have served in one or more of the offices mentioned in said subdivision four of section twelve, and the aggregate period of whose service in the said

public schools, and in said office or offices, is thirty years, and who has held a valid certificate or diploma to teach in the public schools of this state during all of said period, and who was unable to contribute to said fund for thirty years by reason of the non-establishment or non-existence of said fund, shall be retired upon application to the said board under either subdivision A or subdivision B, hereof, as the contributors to said fund in such county, or consolidated city and county, shall have selected to follow, as provided in section five of this act.

A. Such applicant upon retirement shall receive from the public school teachers' annuity and retirement fund the sum of thirty (30) dollars per month in counties, and fifty (50) dollars per month in consolidated cities and counties, payable quarterly; provided, that such applicant for retirement is, at the date of the taking effect of this amendatory act, a contributor to the public school teachers' annuity and retirement fund in the county or consolidated city and county, where he is teaching or holding such office, or becomes a contributor thereto within ninety (90) days after he becomes such teacher or such office-holder, and shall have paid into the said fund, at the time of such retirement, a sum aggregating what he would have paid into said fund in thirty (30) years, had he been a contributor thereto for that period; provided, further, that annuities under this class shall not begin until five (5) years after the retired teacher became a contributor.

B. Such applicant upon retirement shall receive from the public school teachers' annuity and retirement fund the sum of five (5) dollars per month, payable quarterly, for every two and one half ($2\frac{1}{2}$) years (or fraction thereof equal to or greater than one half of two and one half years) such teacher or office-holder shall have contributed to said fund, until the maximum annuity of thirty (30) dollars per month in counties and fifty (50) dollars per month in consolidated cities and counties shall have been reached; provided, that such applicant for retirement is, at the date of the taking effect of this amendatory act, a contributor to the public school teachers' annuity and retirement fund in the county, or consolidated city and county where he is teaching or holding such office, or becomes a contributor within ninety (90) days after

the taking effect of this amendatory act, or becomes a contributor thereto within ninety (90) days after he becomes such teacher or such office-holder.

No person shall be retired under this subdivision unless he shall have paid into said fund, at the time of such retirement, a sum aggregating what he would have paid into said fund in thirty (30) years had he been a contributor thereto for that period.

No teacher or office-holder shall be retired until he has been a contributor to the fund for five (5) years.

Class Three. Any public school teacher who shall have served for thirty years, twenty-five of which shall have been in the public schools of this state, or partly in the public schools of this state and partly in one or more of the offices mentioned in said subdivision four of section twelve, and who shall have been subject to the burdens imposed by this act for twenty-five years, shall receive upon retirement after thirty years of such service, the sum of thirty (30) dollars per month in counties, and fifty (50) dollars per month in consolidated cities and counties, payable quarterly; provided, he shall have paid into the said fund, at the time of such retirement, a sum aggregating what he would have paid into said fund in thirty (30) years, had he been a contributor thereto for that period.

Class Four. Any public school teacher or any officer mentioned in said subdivision four of section twelve, subject to the burdens of this act, who shall remove to another county in this state, may continue to be a contributor to the public school teachers' annuity and retirement fund in the county, or in the consolidated city and county, from which he removed, so long as he continues to be a public school teacher or the occupant of one of said offices; and it is hereby made the duty of the county treasurer of the county, or consolidated city and county, wherein such teacher or officer agreed to become subject to the burdens of this act, to receive such contributions of such non-residents, and to place such contributions to the credit of the public school teachers' annuity and retirement fund.

Class Five. Any teacher who ceases to serve in the public schools of any county, or of any consolidated city and county, or who ceases to serve in one of the offices

mentioned in said subdivision four of section twelve, in the county or consolidated city and county, where he has been subject to the burdens imposed by this act, and who shall have served in the public schools of this state for thirty (30) years, or who shall have served partly in the public schools of this state and partly in one or more of the offices mentioned in said subdivision four of section twelve, for an aggregate period of thirty (30) years, shall be entitled to retire, and to receive from the public school teachers' annuity and retirement fund of the county, or consolidated city and county, to which he has contributed for at least five (5) years, an annuity equal to such proportion of the maximum annuity granted under this act as the time he has been subject to the burdens imposed by this act in such county, or consolidated city and county, bears to the period of thirty years.

Class Six. Contributors to said public school teachers' annuity and retirement fund retiring under this class, shall be retired either under subdivision A, or subdivision B hereof, as the contributors to said fund in such county, or consolidated city and county, shall have selected to follow, as provided in section five of this act.

A. If any teacher, or any office-holder mentioned in said subdivision four of section twelve, after the expiration of fifteen (15) years, and before the expiration of thirty (30) years, of service in the public schools of this state, or of service partly in the said public schools and partly in one or more of the offices mentioned in said subdivision four of section twelve, shall be compelled, by reason of incapacity, to retire from public school service, or from one of the offices mentioned in said subdivision four of section twelve, while holding a valid certificate or diploma to teach in the public schools of this state, such retiring teacher, or office-holder, if a contributor to the said fund at the time of retirement, shall be entitled to receive, from the public school teachers' annuity and retirement fund, as many thirtieths (30ths) of the full annuity as he has had years of said service, by paying into the public school teachers' annuity and retirement fund the contributions to said fund corresponding to those years of service rendered at a time when, or in a place where, it was impossible to make such contributions by reason of the non-existence of a public school teachers' annuity and retirement fund;

provided, that he shall have contributed to the said fund for five years before he becomes an annuitant.

B. If any teacher or any office-holder mentioned in said subdivision four of section twelve, after the expiration of five years, and before the expiration of thirty years of service in the public schools of this state, or of service partly in the said public schools and partly in one or more of the offices mentioned in said subdivision four of section twelve, shall be compelled by reason of incapacity, to retire from public school service, or from one of the offices mentioned in said subdivision four of section twelve, while holding a valid certificate or diploma to teach in the public schools of this state, such retiring teacher or office-holder, if a contributor to the said fund at the time of retirement, shall be entitled to receive from the public school teachers' annuity and retirement fund a sum in dollars equal to such proportion of the maximum annuity granted under this act as the time he shall have been subject to the burdens of this act bears to the period of thirty years; provided, however, that those who have served in the public schools of this state, or partly in the said public schools and partly in one or more of the offices mentioned in said subdivision four of section twelve, at a time when, or in a place where, it was impossible to make contributions to said fund, by reason of the non-existence of said fund, may receive in addition to the proportion of the maximum annuity last hereinabove specified, such an additional proportion of the full annuity as the number of years of said service, while not burdened with the provisions of this act, bears to thirty years; provided, further, that they shall have paid into the said fund, at the time of their retirement, an amount equal to what they would have paid into said fund had they been subject to the burdens imposed by this act for the full time of said service, not to exceed thirty years; and provided, further, that no person retired under this subdivision B shall ever receive a greater annuity than he would have received had he retired on account of years of service; and provided, further, that he shall have contributed to the said fund for five years before he becomes an annuitant.

Class Seven. Contributors to said public school teachers' annuity and retirement fund, retiring under this class,

shall be retired under either subdivision A, or under subdivision B, hereof, as the said contributors to said fund in such county, or consolidated city and county, shall have selected to follow, as provided in section five of this act.

A. Any public school teacher who shall have been subject to the burdens imposed by this act, for a period of at least five years, and who shall have served in the public schools of this state for a period of fifteen (15) years, or partly in the said public schools and partly in one or more of the offices mentioned in said subdivision four of section twelve, for a period of fifteen years, and who has held a valid certificate or diploma to teach in the schools of this state during all said period, and who shall have been declared incapacitated, by the committee on retirement, to perform the duties of a public school teacher, or the duties of the office which he may be occupying, if he should be occupying one of the offices mentioned in said subdivision four of section twelve, shall be entitled to retire and to receive an annuity from the public school teachers' annuity and retirement fund, equal to such proportion of the maximum annuity granted under this act as the time he has been subject to the burdens imposed by this act bears to the period of thirty years.

B. Any public school teacher who shall have been subject to the burdens imposed by this act for a period of five years (5), and who shall have served in the public schools of this state for a period of five (5) years, or partly in the said public schools and partly in one or more of the offices mentioned in said subdivision four of section twelve, for a period of five years, and who has held a valid certificate to teach in the schools of this state during said period, and who shall have been declared incapacitated by the committee on retirement, to perform the duties of a public school teacher, or the duties of the office which he may be occupying, if he should be occupying one of the offices mentioned in said subdivision four of section twelve, shall be entitled to retire, if a contributor to the fund at the time of retirement, and to receive an annuity, from the public school teachers' annuity and retirement fund a sum in dollars equal to such proportion of the maximum annuity granted under this act, as the time he shall have been subject to the burdens imposed by this act bears to the period of thirty years.

Class Eight. Teachers of public evening schools receiving a salary of fifty (50) dollars or less per month, shall be subject to one half of the burdens, and shall be entitled to one half of the benefits, of this act; provided, that any public school teacher who is employed both in a day and an evening school shall be considered for the purposes of this act to be employed in a day school only; provided, further, than an evening public school teacher, who at any time before retirement under the provisions of this act shall become a day public school teacher, or an occupant of one of the offices mentioned in said subdivision four of section twelve, shall upon retirement as a day public school teacher, or as one of said officers, be credited with half time for his said evening school service, under the class in which he may be retired.

High School and Other Public School Teachers.

High school and other public school teachers in counties, or in consolidated cities and counties, in which the act of which this act is amendatory has been in force, who were unable by reason of any imperfection in the terms of said act, to become contributors, shall be allowed, upon admission under the terms of this act, and upon the payment of the amounts they would have paid had they been contributors, to date the time of their admission from the time of the organization of the public school teachers' annuity and retirement fund in their county or consolidated city and county. City treasurers are hereby directed to pay into the public school teachers' annuity and retirement fund of their respective counties the contributions of teachers and officers, whose salaries are paid by, or through, city treasurers, in the same manner as provided in the act of which this act is amendatory, to be paid by the treasurer of a county, or consolidated city and county.

Compliance with these provisions shall render any public high school or other public school teacher eligible to the benefits provided in any one of the eight classes of annuitants in this act created to which such teacher may be qualified.

Suspension of Annuities.

Any and all annuities shall be suspended if the recipient returns to the profession of teaching or becomes the occupant of one of the said offices mentioned in subdivision

four of section twelve. Any annuity less than two thirds of the maximum annuity shall cease at the expiration of one year from the time at which the committee on retirement, constituted in section five of this act, shall decide that the recipient has been restored to the capacity of performing the duties of a public school teacher.

All teachers now employed in the public schools of this state who filed the notice specified in the act of which this act is amendatory, within ninety days after the passage of this amendatory act in counties or in consolidated cities and counties where the provisions of any act or acts to which this act is amendatory are now applicable, and all other public school teachers in other counties or consolidated city and county who become contributors within ninety days after the establishment of a public school teachers' annuity and retirement fund therein and who shall have paid at the time of retirement an amount equal to what they would have paid had they been subject to the burdens imposed by the provisions of this act for thirty (30) years, shall not suffer any reduction of annuities; provided, however, that the provisions of this paragraph shall not apply to counties or consolidated cities and counties in which the contributors to said fund shall select to be governed by the provisions of subdivision B of classes two, six and seven respectively of section eight, and subdivision B of section eleven, as provided in section five. [Amendment approved March 20, 1903. Stats. 1903, p. 272. In effect immediately.]

Sec. 9. If at the end of any quarter year there shall not be a sufficient amount of money in the "annuity fund," or in the "distribution fund," as the case may be, to pay all warrants and demands of annuitants in full, then the money in that fund shall be divided pro rata among them, and the sum received by each annuitant shall be in full discharge of all claims against said fund to that date. [Amendment approved March 20, 1903. Stats. 1903, p. 278. In effect immediately.]

Sec. 10. The public school teachers' annuity and retirement fund herein provided for, shall consist of the following, with the income and interest thereof: (1) Twelve (12) dollars per school year, of the salaries paid to all those subject to the burdens imposed by this act, in each county or consolidated city and county, shall be deducted from

the warrants for salary, and paid by the treasurer of the county, or consolidated city and county, to the public school teachers' retirement fund commissioners of said county, or consolidated city and county; and it shall be the duty of the secretary of the board of education in every incorporated city or town, or consolidated city and county, and the clerk of the board of trustees of every public school district outside of such city or town, or consolidated city and county, to note on each warrant the amount to be so deducted therefrom by the treasurer, and if classified, the class under this act to which the teacher belongs. (II) All moneys received from gifts, bequests and devises, or from any other source. (III) All moneys, pay, compensation, or salary forfeited, deducted or withheld from the warrant or demand for salary of any teacher or teachers for and on account of absence from duty from any cause, which the board of education of every incorporated city or town, or the board of trustees of every school district outside of such city or town, may appropriate and set apart for the aforesaid fund; and said board of education or board of trustees, are hereby empowered to appropriate such moneys, or any part thereof, for such fund; provided, that in consolidated cities and counties, after the establishment of an annuity fund therein, it is hereby made the duty of the boards of education to appropriate, monthly, at least one half of such moneys for such fund. [Amendment approved March 20, 1903. Stats. 1903, p. 278. In effect immediately.]

Sec. 11. The said public school teachers' annuity and retirement fund shall be divided either as designated in subdivision A hereof, or as designated in subdivision B hereof, as the said contributors to said fund in such county, or consolidated city and county, shall have selected to follow pursuant to the provisions of section five (5) hereof.

A. The said public school teachers' annuity and retirement fund in each county or consolidated city and county, shall be divided into two distinct funds, or accounts, (1) the permanent fund, and (2) the annuity fund.

(1) The permanent fund.

(a) The permanent fund shall consist of: (I) Twenty-five per cent of all contributions from those affected by this act; (II) Twenty-five per cent of all gifts, bequests, or devises, unless otherwise ordered by the donor or the tes-

tator; (III) Twenty-five per cent of all moneys deducted from the salaries of teachers because of absence from duty.

(b) When the permanent fund shall amount to the sum of fifty thousand (50,000) dollars, then all moneys thereafter received shall go into the annuity fund, except such gifts, devises, or bequests as may be specially directed by its donor or testator to be placed in the permanent fund.

(c) It shall be the duty of the public school teachers' retirement fund commissioners to invest the aforesaid permanent fund in interest-bearing bonds issued by the federal, state, county, city and county, or municipal governments, and to apply the interest thereon as herein directed.

(2) The annuity fund.

(a) The annuity fund shall consist of: (I) The income derived from the permanent fund; (II) All other moneys belonging to the public school teachers' annuity and retirement fund, not hereinbefore directed to be placed in the permanent fund; (III) All moneys in the fund provided for in the act to which this is amendatory.

(b) The annuity fund shall be the only one from which annuitants shall be paid.

(c) If at the end of any fiscal year there remain any surplus in the annuity fund, said surplus shall be deposited by the public school teachers' retirement fund commissioners in any savings bank, or savings banks, designated by them.

B. The said public school teachers' annuity and retirement fund, in each county, or consolidated city and county, shall be divided into two distinct funds or accounts, (1) the reserve fund and (2) the distribution fund.

(1) The reserve fund.

The reserve fund shall consist of:

(a) All moneys collected from the unclassified contributors for the first five years after the creation of said fund.

(b) Sixty (60) per cent of all moneys collected from the unclassified contributors for the second five years after the creation of the fund.

(c) Fifty (50) per cent of all moneys collected from unclassified contributors for the third five years after the creation of the fund.

(d) Thirty (30) per cent of all moneys collected from the unclassified contributors for the fourth five years after the creation of the fund.

(e) One hundred per cent of all collections from the classified contributors during the first period of their classification, as hereinafter classified.

(f) Ninety per cent of all collections from the classified contributors during the second period of their classification, as hereinafter classified.

(g) Eighty per cent of all collections from the classified contributors during the third period of their classification, as hereinafter classified.

(h) Seventy per cent of all collections from the classified contributors during the fourth period of their classification, as hereinafter classified.

(i) All collections from sources other than said collections from contributors; all donations, and all interest accrued on such reserve fund for a period of twenty years from the creation of said fund.

It shall be the duty of the public school teachers' retirement fund commissioners to place the reserve fund at interest, monthly, in a savings bank selected by the said commissioners. All original contributors to a public school teachers' annuity and retirement fund in any county or consolidated city and county, and all those who became contributors thereto within the first five years after the creation of said fund shall be known as unclassified contributors.

All who become contributors during the first decade after the fund shall have been in existence for five years shall be known as class A, and those who become contributors to said fund during each decade thereafter shall be known as classes B, C, D, respectively; each of said classes shall exist for four periods, the first three being for ten years each and the fourth for five years.

When the term for which any class has been formed shall have elapsed, all contributors to such classes who continue to contribute, shall be considered as unclassified.

(2) The distribution fund.

The distribution fund shall not be formed in any county or consolidated city and county, until the said public school teachers' annuity and retirement fund shall have been in existence for five years. It shall then consist of

(a) The income not hereinbefore set aside and declared a part of the reserve fund.

(b) After the said fund shall have been in existence for twenty years, in addition to the income not heretofore set aside for the reserve fund, there shall be transferred quarterly, during the next five years, from the reserve fund to the distribution fund, sixty (60) dollars; provided, that the earnings of the reserve fund for that period shall be equal to, or shall exceed, two hundred and forty (240) dollars per annum. If the earnings of the reserve fund shall not equal two hundred and forty (240) dollars per annum, the amount transferred quarterly from the reserve fund to the distribution fund shall be equal to the quarterly interest of the reserve fund.

(c) After the said fund shall have been in existence for twenty-five (25) years, the distribution fund shall consist of the income not heretofore set aside for the reserve fund, and one hundred and sixty (160) dollars to be transferred quarterly, during the next five years from the reserve fund to the distribution fund; provided, however, that this amount does not exceed the quarterly earnings of the reserve fund for that period. Should the one hundred and sixty (160.00) dollars exceed the said quarterly earnings, then an amount equal to the quarterly earnings of the reserve fund shall be so transferred.

(d) After the said fund shall have been in existence for thirty years the distribution fund shall consist of the income not heretofore set aside for the reserve fund and all of the interest of the reserve fund during the next five years. And should the aforesaid fail to give sufficient funds to pay half of the annuities due, then there shall be transferred quarterly from the reserve fund, over and above the earnings of the reserve fund, thirty (30) dollars per quarter.

(e) After the said fund shall have been in existence for thirty-five years, the distribution fund shall consist of the income not heretofore set aside for the reserve fund. Also the interest on the reserve fund, distributed quarterly during the next five years, and should this not be sufficient to pay half of the annuity due, then there shall be transferred from the reserve fund, in addition to the interest, sixty (60) dollars quarterly.

(f) After the said fund shall have been in existence for

forty years, the distribution fund shall consist of the income not heretofore set aside for the reserve fund, the interest on the reserve fund distributed quarterly, and a sum taken from the reserve fund in addition thereto, equal to twelve times the increase in contributors[ions] to the said public school teachers' annuity and retirement fund for the preceding year; that is, if the said contributors increase by 20 during the year 1934, then during the year 1935 there shall be taken from the reserve fund, in addition to the interest, two hundred and forty (240.00) dollars per annum.

All disbursements shall be from the distribution fund, except as otherwise provided in section four. [Amendment approved March 20, 1903. Stats. 1903, p. 279. In effect immediately.]

Sec. 12. This act shall be binding upon such public school teachers, and such officers mentioned in said subdivision four of section twelve as shall sign and deliver, to the public school teachers' retirement fund commissioners, and to the secretary of the board of education of the incorporated city or town, or consolidated city and county, or to the clerk of the board of trustees of the school district in which they are employed, a notice in substantially the following form:

————— 19——.

To the Public School Teachers' Retirement Fund Commissioners, of ——— county (or city and county):

You are hereby notified that I agree to be bound by, and desire to avail myself of the provisions of the act of the legislature of the state of California, approved March 29th, eighteen hundred and ninety-seven, entitled "An act to amend an act approved March twenty-sixth, eighteen hundred and ninety-five, entitled 'An act to create and administer a public school teachers' annuity and retirement fund in the several counties, and cities and counties in the state,'" as amended March 23, 1901, and ———, 1903.

Signed —————

provided, that at least thirty public school teachers within the county, or consolidated city and county, shall file the notice hereinbefore set forth; provided, further, that in all counties, or in consolidated cities and counties, where there is a less number of teachers than thirty, this act

shall be binding on all those who so signify their intention of being bound thereby.

(2) In consolidated cities and counties it shall be binding upon all teachers elected or appointed to teach in the public schools of such consolidated cities and counties after the passage of this act.

(3) Annuities heretofore granted under the provisions of the act of which this act is amendatory shall be continued for the same amount as heretofore paid, subject, however, to the conditions imposed by sections nine (9) and eleven (11) of this act.

(4) Any county, consolidated city and county, or city superintendent of schools of this state, and any deputy superintendent of schools for any county, consolidated city and county, or city of this state, and any person engaged in any other educational work, required by law to have the qualifications of a teacher in the public schools of this state, may avail himself of the provisions of this act; and wherever the word "teacher" is used in this act it shall be deemed to include such officer or officers. [Amendment approved March 20, 1903. Stats. 1903, p. 282. In effect immediately.]

Sec. 13. Every public officer who shall issue, or receive in his official capacity, any warrant, or who shall receive or pay out any money, in any manner connected with, pursuant to, or dependent upon, the provisions of this act, shall keep a full, accurate and public record of all his transactions appertaining to the same. [Amendment approved March 20, 1903. Stats. 1903, p. 283. In effect immediately.]

Sec. 14. This act shall take effect and be in force from and after its passage. [Amendment approved March 29, 1897. Stats. 1897, p. 231. In effect immediately.]

ACT 3571.

An act authorizing any teacher or public officer who is now a contributor to a public school teachers' annuity and retirement fund in any county, or consolidated city and county, of this state, where there are no annuitants drawing annuities from the said fund of such county, or consolidated city and county, to cease to be a contributor to such fund within sixty days from the taking effect of this act, and to have returned to him

the amount contributed by him thereto, or such part thereof as may be available for that purpose.

[Approved March 13, 1903. Stats. 1903, p. 131.]

The people of the state of California, represented in senate and assembly, do enact as follows:

Section 1. Within sixty days after the taking effect of this act, any teacher or public officer who is now a contributor to a public school teachers' annuity and retirement fund in any county or consolidated city and county in this state, created under the provisions of an act approved March 29, 1897, entitled "An act to amend an act approved March 26, 1895, entitled 'An act to create and administer a public school teachers' annuity and retirement fund in the several counties, and cities and counties in the state,'" as amended, may withdraw from such organization by complying with the provisions of this act; provided, however, that the provisions of this act shall not apply to any county or consolidated city and county, where there are, at the time of the taking effect of this act, any annuitants drawing annuities from the said fund of such county, or consolidated city and county.

Sec. 2. And such teacher, or public officer, desiring to avail himself of the provisions of this act, shall within sixty (60) days after the taking effect of this act, sign and file with the board of public school teachers' retirement fund commissioners of the county, or consolidated city and county, where such teacher or public officer is then a contributor, a notice in writing to the effect that such teacher or public officer, thereby withdraws from the said organization, and shall at the same time sign and file with the clerk, secretary, officer, or board, whose duty it is to issue the salary warrants of such teacher or public officer, a notice similar in substance to the said notice filed with the said board of commissioners.

Sec. 3. The said board of commissioners, shall, at its next regular meeting after the expiration of said sixty (60) days, pass a resolution directing that all money contributed to said public school teachers' annuity and retirement fund by such teachers or public officers so withdrawing, shall be immediately returned to such teachers or public officers. If the amount in the fund of said organization, after the payment of all legal demands, shall be

insufficient to pay each withdrawal the full amount contributed by him, then the said board shall compute the pro rata amount that shall be paid to each, the same to be in proportion to their respective contributions, and shall specify in said resolution the amount to be returned to each.

Sec. 4. The president and secretary of said board shall thereupon issue warrants to the persons entitled thereto, in such amounts as shall have been so computed and specified by said board, and the treasurer of said fund shall pay the same to the person named in each respective warrant, or to his heirs or assigns.

Sec. 5. From and after filing the notices, specified in section two hereof, each teacher or public officer giving such notices shall be relieved from all burdens and liabilities imposed by the said act designated in section one hereof.

Sec. 6. The clerk, secretary, officer, or board, whose duty it is to issue the salary warrants of such teachers or public officers, shall, from and after the filing of the said notice with him or it, cease to note on the salary warrant of such teacher or public officer any amount to be deducted therefrom by the treasurer on account of said fund.

Sec. 7. This act shall take effect immediately.

ACT 3572.

An act to provide for the disposal of moneys remaining in the building fund of any school district, after all bonds and indebtedness shall have been paid and liquidated, arising from the construction of school buildings.

[Approved March 13, 1883. Stats. 1883, p. 298.]

Section 1. All moneys that have been or shall be raised by special tax, for the purpose of erecting school buildings, that shall remain in the hands of the county treasurer, after all bonds that have been or may be issued on account of such buildings shall have been redeemed, and all other indebtedness arising on account of such building shall have been liquidated, shall be placed in the county school fund of the school district for which such moneys were raised, subject to the order of the trustees of said district.

ACT 3573.

To enforce the educational rights of children. [Approved March 28, 1874. Stats. 1873-4, p. 751.]

This act was repealed by section 13 of the following act.

ACT 3574.

An act to enforce the educational rights of children and providing penalties for violation of the act.

[Approved March 24, 1903. Stats. 1903, p. 388.]

The people of the state of California, represented in senate and assembly, do enact as follows:

Section 1. Unless excused as hereinafter provided, each parent, guardian, or other person, in the state of California, having control or charge of any child between the ages of eight and fourteen years, shall be required to send such child to a public school, during each school year, for a period of at least five months of the time during which a public school shall be in session, in the city or city and county or school district in which said child resides, and at least eighteen weeks of such attendance shall be consecutive; provided, that should it be shown to the satisfaction of the board of education of the city or city and county, or of the board of trustees of the school district, in which such child resides, that the child's bodily or mental condition is such as to prevent or render inadvisable attendance at school, or application to study, a certificate from any reputable physician that the child is not able to attend school, or that its attendance is inadvisable, must be taken as satisfactory evidence by any such board, or proof being given that the parents or parent are extremely poor or sick, and that the services of the child are actually needed to support such parents or parent; or that such child is being taught in a private school, or by a private tutor, or at home by any person capable of teaching, in such branches as are usually taught in the primary and grammar schools of this state; or that no public school is located within two miles, by the nearest traveled road, of the residence of the child; or that the child has completed the prescribed grammar school course; then it shall be the duty of such board of education or board of trustees, upon application of the parent, or guardian, or other person having the control or charge of such child, to excuse such child from attendance at school, during the continuance of such defect or condition upon which such excuse is granted; and provided further, that circumstances rendering attendance impracticable or dangerous to health, owing to unusual storm or other sufficient cause, shall work an exemption from the penalties of this act. If

any parent or guardian or other person having control or charge of any such child presents proof to such board of education or board of trustees, by affidavit, that he is unable to compel such child to attend school, said parent, guardian or other person shall be exempt from the penalties of this act, as regards the subsequent non-attendance at school of such child, and said child may, in the discretion of such board, be deemed a truant and subject to assignment to the parental school.

Sec. 2. Any parent, guardian, or other person having control or charge of any such child, who shall fail to comply with the provisions of this act, shall, unless excused or exempted therefrom as hereinbefore provided, be deemed guilty of a misdemeanor, and upon conviction, shall be liable, for the first offense, to a fine of not more than ten dollars or to imprisonment for not more than five days, and for each subsequent offense he shall be liable to a fine of not less than ten nor more than fifty dollars, or to imprisonment for not less than five days nor more than twenty-five days, or to both such fine and imprisonment.

Sec. 3. The board of education of any city or city and county, or the board of trustees of any school district, shall, on the complaint of any person, make full and impartial investigation of all charges against parents or guardians or other persons having control or charge of any such child, for violation of any of the provisions of this act. If it shall appear upon such investigation that any such parent or guardian or other person has violated any of the provisions of this act, it is hereby made the duty of the secretary of such board of education, except as hereinafter provided, or the clerk of such board of trustees, to make and file in the proper court a criminal complaint against such parent, guardian or other person, charging such violation, and to see that such charge is prosecuted by the proper authorities; provided, that in cities, and cities and counties having an attendance officer or officers, such officer or officers shall, under the direction of the board of education, or the city superintendent of schools, make and file such complaint, and see that such charge is prosecuted by the proper authorities.

Sec. 4. The board of education of any city, or city and county, may appoint and remove at pleasure one or more

attendance officers of such city, or city and county, and shall fix their compensation, not exceeding one thousand dollars per annum for any such officer, payable from the county or special school fund of such city or city and county, and shall prescribe their duties, not inconsistent with law, and make rules and regulations for the performance thereof; provided, that in any city, or city and county, containing less than twenty thousand school census children, not more than one attendance officer shall be appointed, and in any city, or city and county, containing more than twenty thousand school census children, not more than one attendance officer shall be appointed for each twenty thousand school census children, or fraction greater than one half thereof.

Sec. 5. It shall be the duty of the attendance officer to arrest during school hours, without warrant, any child between eight and fourteen years of age, found away from his home, and who has been reported to him by the teacher, the superintendent of schools, or other person connected with the school department as a truant from instruction upon which he is lawfully required to attend within the city, or city and county. He shall forthwith deliver the child so arrested either to the parent, guardian or other person having control or charge of such child, or to the teacher from whom said child is then a truant, or if such child shall have been declared an habitual truant, he shall bring such child before a magistrate for commitment by him to a parental school, as provided in this act. The attendance officer shall report promptly such arrest, and the disposition made by him of such child, to the school authorities of such city, or city and county. Any child may be reported as a truant, in the meaning of this act, who shall have been absent from school without valid excuse more than three days or tardy on more than three days, any absence for a part of a day being regarded as a tardiness. Any child who has once been reported as a truant and who is again absent from school, without valid excuse, one or more days, or tardy on one or more days, may again be reported as a truant. Any child may be deemed an habitual truant who shall have been reported as a truant three or more times. Any child who has once been declared an habitual truant and who, in a succeeding year, is reported as a truant from school one

of more days or tardy on one or more days without valid excuse, may be again declared an habitual truant.

Sec. 6. The board of education of any city, or city and county, may establish schools in a manner hereinafter prescribed, or set apart rooms in public school buildings for children between eight and fourteen years of age, who are habitual truants from instruction upon which they are lawfully required to attend, or who are insubordinate or disorderly during their attendance upon such instruction, or irregular in such attendance. Such school or room shall be known as a parental school. A parental school, as herein designated and provided for, shall be one of the primary and grammar schools of the city, or city and county, and the teachers therein shall have the same qualifications and be employed and paid in the same manner as in other primary and grammar schools; but such parental school shall be established and maintained specially for the instruction therein of such pupils, between the ages of eight and fourteen years, as shall be committed thereto as provided in this act, and no pupil shall be committed to, or required to attend, such school, except as in this act provided. Said board of education may make such special rules and regulations for the government of a parental school as shall be consistent with the provisions and purposes of this act and not contrary to law. Such board may provide for the detention, maintenance and instruction of such children in such schools; and such board or the city superintendent of schools in any city, or city and county, may, after reasonable notice to any such child, and an opportunity for the child to be heard, and with the consent of the parent, guardian or other person having control or charge of such child, order such child to attend such school, or to be detained and maintained therein for such period and under such rules and regulations as such board may prescribe, not exceeding the remainder of the school year. If such parent, guardian, or person having control or charge of such child shall not consent to such order, such child may be proceeded against under this act. If any child, in any city, or city and county in which a parental school shall be established, shall be an habitual truant, or be irregular in attendance at school, within the meaning of these terms as defined in this act, or shall be insubordinate or disorderly during attendance at

school, it shall be the duty of the attendance officer, or of the secretary of the board of education if there be no attendance officer, to make and file a complaint against such child, in the proper court, charging the fact, and to see that such charge is prosecuted by the proper authority; and if the court, upon the hearing of such complaint, shall find that such charge is sustained, the court shall render judgment that such child be committed to, and be detained and maintained in, a parental school in such city, or city and county, for a term not to exceed the remainder of the current school year; provided, that if the parent, guardian or other person having control or charge of such child shall, within three days after the rendition of such judgment, execute a good and sufficient bond to the board of education of the city or city and county in which said court is situated, with sufficient sureties, in the sum of two hundred dollars, conditioned that such child will, during the remainder of such current school year, regularly attend some public or private school in such city, or city and county, and not be insubordinate or disorderly during such attendance, such bond to be approved by the judge of said court and be filed with the secretary of the board of education, then such court shall make an order suspending the execution of such judgment so long as the condition of such bond shall be complied with. If the condition of such bond be violated, such court, upon receiving satisfactory evidence of the fact in any action brought therefor, shall make an order declaring such bond forfeited and directing such judgment to be thenceforth enforced. Such board of education may, at any time within one year after any such bond shall be declared forfeited, have execution issued against any or all of the parties to such bond, to collect the amount thereof; and all moneys paid or collected on such bond shall be paid over to the parental school fund of such city, or city and county. No fees shall be charged or received by any court or officer in any proceeding under this section. The confinement of any child in a parental school shall be conducted with a view to the improvement of the child and to its restoration, as soon as practicable, to the school which he would, if not so confined, be required to attend. The city superintendent of schools, or, if there be no city superintendent, the board of education of any city, or city and county, shall have authority, in their

discretion, to parole at any time any child committed to, or ordered to attend, a parental school, except when such commitment shall be by judgment or order of a court; and when such commitment of any child shall be by judgment or order of a court, such court may, on the recommendation of the city superintendent of schools, or the board of education, make an order paroling such child, upon such terms and conditions as shall be specified in the order. The expense incurred by any city, or city and county, in purchasing or renting a school site, erecting or renting a building and equipping the same, for the maintenance of a parental school, shall be paid out of funds other than those collected for the maintenance of schools. The salaries of teachers and the expense for all school supplies in a parental school shall be paid out of the same funds from which similar salaries and expense are paid for primary and grammar schools, but all other expense incurred in the maintenance of such parental schools shall be paid out of the parental school fund.

Sec. 7. Whenever any board of education shall determine that it is necessary or expedient for the city or city and county to establish and maintain a parental school, said board shall furnish to the city council, or other governing body of such city or city and county, all necessary and required information and statistics, and if, after consideration, such city council or other governing body grants its consent for the establishment of such parental school, then the board of education shall furnish to the authorities whose duty it is to levy taxes in such city, or city and county, thirty days before the time specified by law for fixing the annual tax rate, an estimate of the cost of purchasing or renting a suitable site, and also an estimate of the cost of renting or erecting a suitable building and equipping the same for occupancy as a parental school, and the cost to the city or city and county, other than for salaries of teachers and for school supplies, of conducting the school for the remainder of the current school year. When, pursuant to such consent by such governing body, such estimates shall have been so made and furnished by the board of education of any city, or city and county, it is hereby made the duty of the authorities whose duty it shall be to levy taxes in such city, or city and county, at the time of levying the taxes, to levy a special tax upon

all taxable property of said city, or city and county, sufficient in its judgment to provide the facilities requested by the board of education, and for which such estimates shall have been so furnished. It shall be the duty of the board of education, yearly, thereafter, to present to the authorities of the city, or city and county, whose duty it is to levy taxes, on or before the first Monday in July, an estimate of the moneys required for conducting the parental school for the school year, other than for the salaries of teachers and for school supplies. When such estimate shall have been so presented, it shall be the duty of the said authorities to levy a special tax upon the taxable property of said city, or city and county, sufficient to maintain such school for the year, exclusive of salaries of teachers and expense of school supplies. All taxes in this act provided for shall be computed, entered upon the tax roll and collected, in the same manner as other taxes are computed, entered and collected, and when collected shall be placed in a separate fund, to be known as the "Parental School Fund," and shall be paid out on the order of the board of education for the purposes set forth in this act; provided, that all moneys so collected for the purchase of sites or buildings, or the erection or equipment of buildings for parental school purposes, shall be placed in a separate fund, to be known as the "Parental School Building Fund," and shall be used solely for the purpose or purposes for which collected, except that after such purpose or purposes shall have been fully accomplished, the residue of such fund, if any, may be transferred to said parental school fund.

Sec. 8. Two or more school districts or cities may unite in the following manner, to form a joint district for the maintenance of a joint parental school. When any board of education or board of school trustees has secured, in the manner as set forth in section 7 of this act, the consent of the legislative body of the city or school district, in which said board of education or board of school trustees holds office, for the union of two or more districts to form a joint parental school district, said board of education or board of trustees shall transmit such information to the board of supervisors of the county of which said city or school district or districts forms a part, setting forth at the same time the cities or districts with which said city

or district seeks to unite for the maintenance of a joint parental school. When such information has been received by the board of supervisors from all the cities or school districts seeking to be united, it is hereby made the duty of the board of supervisors, by resolution, to declare such cities or school districts united for the maintenance of a joint parental school, to be known as the joint parental school district of (give the names of the school districts uniting). When the districts have been so united, the boards of education or boards of trustees of the cities or school districts so uniting shall appoint a board of trustees for the joint parental school district, to consist of five members, (unless the number of cities or school districts uniting exceeds five), who shall be appointed from the membership of the boards of the several districts or cities uniting, by the respective boards in approximate proportion to the census children between five and seventeen years of age, in the districts uniting; provided however, that each district shall be represented by at least one member on the board of trustees of the joint parental school district. The members so appointed, to serve for the remainder of the term of office for which they were elected on their respective boards of education or boards of trustees, and when vacancies occur on said board of trustees of joint parental school districts, they shall be filled by the board making the original appointment. The superintendent of schools of each of the cities or school districts uniting, shall be ex-officio members of the board of trustees of the joint parental school district, without the right to vote. In the management of a parental school within a school district, city, or city and county, the right to transport pupils to and from school at public expense, when, in the judgment of the board of education, or board of school trustees, the interest of the pupil demands it, is hereby conferred upon such boards. All the powers and duties by any section of this act conferred or imposed upon the boards of school trustees or boards of education of any city, or city and county, in the management of, and the securing of, funds for a parental school within a city or school district, are hereby conferred upon and imposed upon the board of trustees of any joint parental school district in the management of and the securing of funds for the support of a joint parental school; pro-

vided however, that in estimating the expense of maintenance of a joint parental school the amount of money needed for the payment of teachers' salaries and for the furnishing of school supplies, shall be included in the estimate of expenses; and provided further, that the estimates shall be transmitted to the board of supervisors of the county of which the joint parental school district forms a part. When such estimates shall have been so transmitted, it is hereby made the duty of the board of supervisors to levy a special tax upon the taxable property within the boundaries of the joint parental school district, sufficient to provide the facilities requested by the board of trustees of the joint parental school district, and for which such estimate shall have been furnished, and yearly thereafter when the estimates of the total expense of the maintenance of the joint parental school and increased facilities shall have been furnished the board of supervisors, it shall be the duty of said board to levy a special tax sufficient to maintain the school for the year. All taxes in this act provided shall be computed and entered upon the tax roll and collected in the manner prescribed for the collection of taxes in section 7 of this act; provided, that all moneys so collected shall be collected by the county tax collector and apportioned to the credit of the joint parental school district, and placed in the fund for which they were specially collected. If for sites or buildings, to be placed in a fund known as the joint parental school building fund, to be used exclusively for the purposes for which they were collected, the same as set forth in section 7 of this act. The board of trustees of joint parental school districts shall organize, by the election of one of their number as chairman, and by the election of a secretary who shall be the city superintendent of schools, or the secretary of a board of education or the clerk of one of the boards of education or boards of trustees of the cities, or school districts united, and such secretary shall serve without additional salary. All moneys in a joint parental school fund shall be paid out on the order of the board of trustees of the joint parental school district for the purposes herein set forth, and in the same manner that funds are paid from the ordinary school funds of a school district.

Sec. 9. All fines paid as penalties for the violation of

any of the provisions of this act shall, when collected or received, be paid over by the justice or officer receiving the same to the treasurer of the city, or city and county, in which the offense was committed, to be placed to the credit of the parental school fund of such city, or city and county, if there be such a fund, otherwise to the credit of the general school fund of such city, or city and county, or to the county treasurer, to be placed to the credit of the school fund of the school district in which the offense was committed.

Sec. 10. Any parent or guardian of any deaf, dumb, or blind child, legally entitled to admission to said institution, shall send such child to said institution until such child shall have been therein for five years, or shall have reached the age of majority, unless such child shall be excused from such attendance by the board of education or board of trustees of the city, city and county, or school district in which such child resides, for the reason that the child's bodily or mental condition is such as to prevent or render inadvisable attendance at said institution, or for the reason that such child is receiving proper instruction at home or in some public or private school. Any parent or guardian failing to comply with the requirements of this section shall be guilty of a misdemeanor, and be punishable as provided in section two of this act.

Sec. 11. Any justice of the peace, or recorder of the city or city and county or any justice of the peace of the township in which the school district is located, or in which the offense is committed, shall have jurisdiction of all offenses committed under the provisions of this act.

Sec. 12. This act shall take effect and be in force from and after July first, nineteen hundred and three.

Sec. 13. An act entitled an act to enforce the educational rights of children, approved March twenty-eighth, eighteen hundred and seventy-four, and all acts and parts of acts in conflict with any of the provisions of this act are hereby repealed.

ACT 3575.

An act to prevent discrimination against female teachers.

[Approved March 30, 1874. Stats. 1873-4, p. 938.]

Female teachers to receive same compensation as males.

Section 1. Females employed as teachers in the public

schools of this state shall in all cases receive the same compensation as is allowed male teachers for like services when holding the same grade certificates.

Sec. 2. This act shall take effect and be in force from and after its passage.

ACT 3576.

To make women eligible to educational offices. [Stats. 1873-4, p. 356.]

Cal.Rep.Cit. 71, 121; 123, 618; 123, 619.

This act appears in full in Political Code, Appendix, p. 1103.

ACT 3577.

An act to continue in force school teachers' certificates, state educational diplomas, and life diplomas.

**[Approved February 5, 1880. Stats. 1880, p. 4 (Ban. ed., 4).]
Certificates and diplomas continued in force.**

Section 1. All teachers' city, city and county, county, and state certificates, state educational diplomas, life diplomas, and all other teachers' certificates and diplomas issued in the state of California, under and in pursuance of the laws thereof, on or before the thirty-first day of December, A. D. eighteen hundred and seventy-nine, shall be and the same are hereby continued in full force and effect, and shall be deemed valid for all purposes and to the full extent of time that the same were and were intended respectively to be under the said laws, on and before the said thirty-first day of December, A. D. eighteen hundred and seventy-nine.

Sec. 2. This act shall take effect from and after its passage.

ACT 3578.

An act to continue in operation the public schools of this state.

**[Approved March 6, 1880. Stats. 1880, p. 7 (Ban. ed., 14).]
Issuance of temporary certificate.**

Section 1. The county superintendent of schools of each and every county in this state is hereby empowered to issue a temporary certificate to any teacher whose certificate has expired, or shall expire between the first day of January, eighteen hundred and eighty, and the first day of June, eighteen hundred and eighty. The certificate so

granted shall be of the same grade as the one in place of which it is issued, and shall be valid only until the first meeting of the board which shall be competent to issue teachers' certificates.

Sec. 2. This act shall take effect immediately.

ACT 3579.

To protect the school districts of this state from injury during the year eighteen hundred and eighty, by the operation of section twelve of article thirteen of the constitution. [Approved April 15, 1880. Stats. 1880, p. 75 (Ban. ed., 261).]

This act declared that school districts should not forfeit their school funds prior to June 30, 1880, by reason of any change in the mode of payment of the funds, and provided for the payment of teachers' salaries until June 30, 1880.

SCHOOL LANDS.

See State Lands.

TITLE 434.

SECRETARY OF STATE.

ACT 3584.

Authorizing the secretary of state to appoint a clerk in addition to the number now allowed by law and to be known as the janitors' clerk, and providing for the payment of his salary. [Stats. 1899, p. 143.]

ACT 3585.

To provide a salary for the keeper of archives in the office of. [Stats. 1891, p. 280.]

TITLE 435.

SEDUCTION.

ACT 3590.

To punish. [Stats. 1871-2, p. 184.]

Cal.Rep.Cit. 49, 9.

This act appears in full in Penal Code, Appendix, p. 690.

TITLE 436.

SEWERS.

See Streets.

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ACT 3595.

To confer power upon supervisors, or other governing body of counties, and cities and counties, to extend and complete all main intercepting sewers heretofore partially constructed. [In effect March 14, 1881. Stats. 1881, p. 76.]

The code commissioners say of this act: "Superseded by County Government Act and the charter of San Francisco."

ACT 3596.

Providing for the establishment and maintenance of sewer districts adjacent to municipal corporations. [Stats. 1899, p. 81.]

TITLE 437.**SHASTA COUNTY.****ACT 3600.**

County clerk, fixing salary of. [Stats. 1873-4, p. 168.]

Repealed by County Government Act, 1897, 452.

ACT 3601.

Supervisors authorized to transfer certain funds of. [Stats. 1873-4, p. 708.]

This act authorized the transfer of the swamp land fund to the general fund.

ACT 3602.

Authorizing transcribing of records in. [Stats. 1862, p. 52.]
Amended 1868, 21.

ACT 3603.

Grant I. Taggart, former county recorder of Shasta County, authorizing to certify and sign certain records. [Stats. 1875-6, p. 487.]

ACT 3604.

Roads and highways. [Stats. 1873-4, p. 844.]

Repealed 1883, 5, chap. X, sec. 2.

ACT 3605.

Repealing all special laws in relation to roads and highways in. [Stats. 1875-6, p. 803.]

ACT 3606.

Public schools of, employment of teachers in. [Stats. 1873-4, p. 472.]

Amended 1875-6, 122. Probably repealed by Political Code, sec. 1696, as amended 1893, 255.

ACT 3607.

Sheriff of, allowed compensation for services of under-sheriff. [Stats. 1873-4, p. 180.]

Repealed by County Government Act, 1897, 540, sec. 186.

TITLE 438.**SHASTA, TOWN OF.****ACT 3612.**

To prevent hogs from running at large. [Stats. 1871-2, p. 157.]

Amended by extending to Redding in Shasta County, and Modesto in Stanislaus County, 1877-8, 585.

TITLE 439.**SHEEP.**

Act to protect sheep from the ravages of dogs, see title Dogs, ante.

ACT 3617.

To restrict the herding of sheep in certain counties. [Stats. 1862, p. 490.]

This act applied to Mendocino, Lake, Sonoma, and Marin counties.

ACT 3618.

To restrict the herding of sheep. [Stats. 1861, p. 523.]

Amended 1865-6, 56.

ACT 3619.

To protect sheep and lambs in this state. [Stats. 1861, p. 501.]

Amended 1867-8, 426; 1869-70, 223.

This act protected sheep and lambs from dogs and other animals. It was superseded by the Civil Code, sec. 3841.

ACT 3620.

An act to create the office of sheep inspector for the state of California, to provide for the appointment, and to define the powers and duties of said officer and his deputies, and their compensation, and providing for the prosecution of offenses under the same, and to suppress and prevent dissemination of scab among sheep.

[Approved March 24, 1903. Stats. 1903, p. 372.]

The people of the state of California, represented in senate and assembly, do enact as follows:

Section 1. The office of sheep inspector for the state of California is hereby created and the state veterinarian of the state of California is hereby made ex-officio sheep inspector and shall perform the duties imposed by this act without additional salary or compensation from the state of California.

Sec. 2. The board of supervisors may, in their discretion, upon the written demand of a majority of sheep growers of their respective counties, appoint one or more deputy sheep inspectors. Such deputies shall be practical sheep men and subject to removal whenever the board may deem it necessary.

Sec. 3. It shall be the duty of the state sheep inspector to have general supervision over his deputies appointed under the provisions of this act and to aid, counsel, and advise with such deputies and generally to enforce the provisions of this act.

Sec. 4. The deputies appointed under the provisions of this act shall have power to administer oaths, and it shall be the duty of at least one deputy inspector in each county where the same may be appointed, as herein provided by the state sheep inspector, to personally examine all sheep and bands of sheep in his county every spring between the first day of February and the first day of June and every fall between the first day of October and the first day of December for the first two years after the passage of this act, and thereafter between the first day of February and the first day of June of each year; and to the owners or persons in charge of herds found to be clean he shall issue a certificate stating such fact, which certificate shall permit such herds to pass into and through any and all counties in this state so long as they shall remain free and clean from disease. And such deputy also is required to examine any band or bands of sheep at any time he may be called upon to do so at the request of one or more sheep growers in writing, stating that such sheep are affected or infected with some infectious or contagious disease, and that there is imminent and immediate danger of the spreading of such disease; provided, that if, upon examination, such sheep are found to be clean the person or persons making such complaint

shall pay the expenses and costs of such examination, which may be recovered in a civil action therefor; but in case such inspector, upon making such examination, finds said sheep diseased, he shall forthwith issue his order quarantining said sheep; and further provided, that all bands of sheep of less than two hundred and fifty head shall not be subject to such inspections when known to be sound; but where complaint is made, then the deputy inspector must comply with and enforce the provisions of this act as in other cases hereinafter provided for.

Sec. 5. Any person, company, association, or corporation desiring to move his or their sheep which are not sound or are infected or affected by scab or any infectious or contagious disease shall obtain from a deputy inspector a traveling permit. Such permit shall only be granted for the purpose of moving said sheep to some place where they may be dipped for said disease, or on account of shortage of feed, and then by such route as the deputy sheep inspector may designate.

Sec. 6. Whenever upon examination of any bands or herds of sheep, kept or herded in any county of the state of California the deputy sheep inspector of such county shall find such sheep, or any portion of them affected or infected with the scab or scabies, or any other infectious or contagious disease, he shall forthwith notify the owner or person in charge of said sheep, in writing, to dip said sheep for said disease within a period of fifteen days from said notice; and also during said period to keep such sheep from contact with other sheep by such means as he may specify; and if, upon examination at the end of fifteen days from such notice, said deputy sheep inspector shall find that said sheep have not been dipped for said disease, or have not been kept from contact with other sheep that are sound, the owner or owners, or person or persons controlling said sheep, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than one hundred dollars or more than two hundred and fifty dollars; and in case said sheep have not been dipped for said disease within said fifteen days, such deputy sheep inspector shall immediately take possession of said sheep and dip them for said disease, and all expenses incurred in so doing, including a compensation of four dollars for every day, or part of a

day, in which said deputy sheep inspector may be engaged in dipping said sheep, shall become and is hereby made a lien upon said sheep; and such deputy sheep inspector shall hold such sheep for the period of ten days, and if the same is not paid within such time he may collect the same, together with the costs and expenses of collection, by advertising and selling said sheep, or as many thereof as may be necessary, in the manner prescribed by law for the sale of personal property on execution. If, however, upon examination at the end of fifteen days from the notice required to be given under this section such deputy sheep inspector shall find that said sheep have been dipped for said disease, but are still infected with the same, then he shall instruct the owner or controller of said sheep to dip once or more times, as circumstances demand, and as soon as possible, but with an interval between the dippings of not less than nine or more than twelve days; and if upon examination at the end of thirty days further, such deputy sheep inspector finds that said sheep have been dipped for said disease, but are still infected, then he shall at once take possession of said sheep and dip them as above specified. If, however, upon examination he finds that said sheep have not been dipped he shall seize said sheep and dip them as above specified, and the owner or owners, or controller, by reason of his failure to dip such sheep as required, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than one hundred dollars nor more than two hundred and fifty dollars; provided, however, that no person, persons, company, or corporation shall be required to dip his or their bands of sheep between the first day of December and such time as he or they can shear such sheep in the following spring.

Sec. 7. No person, persons, company, or corporation shall be required to dip a band or bands of ewes or any part of them which are ewes with lambs, at any time between the fifteen[th] of December and the fifteenth of May following of any year; but they must be held in quarantine and kept separate from sound sheep, and the owner, owners, or controller shall be responsible for all damages as stated in sections seven and eight of this act, to be enforced and recovered as therein provided for.

It shall also be the duty of such deputy sheep inspector to require the owner, owners, or controller of sheep, while held in quarantine during the above exemption, to spot or hand dress all sheep in their band or bands that show any scab or other contagious disease, with some reliable medicine; and such deputy sheep inspector shall have power to enforce hand dressing or spotting during the exemption referred to in this section, the same as he has power to enforce dipping at any other period of the year, as provided by this act.

Sec. 8. The deputy sheep inspector appointed in the several counties as provided in this act shall receive four dollars per day for every day or part of a day spent in the performance of his duty, to be paid by the owner or owners of the sheep examined, and to be enforced as a lien against the sheep so examined, as provided in section six of this act.

Sec. 9. In any action or proceeding, civil or criminal, arising under this act, any and all persons having an interest in the sheep or controlling the same, and concerning which such action or proceeding is had, shall be deemed the owners of said sheep, and shall be liable severally and jointly for such violation of this act. Any herder or shepherd, or other person in charge of sheep, who shall willfully refuse to give a deputy sheep inspector after showing a star any and all information as to the condition of sheep in his charge, requested by such deputy, shall be deemed guilty of misdemeanor, and upon conviction thereof shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars. In criminal actions against corporations under this act no arrest shall be necessary, but a summons containing notice of the time and place of trial, together with a copy of the complaint filed before a justice of the peace, or in the court in which the action is commenced, shall be served in the same manner and for the same length of time as in civil actions.

Sec. 10. It shall be the duty of each deputy sheep inspector appointed under this act to keep a book in which he shall record as complete a description as practicable of the marks and brands with which each person in his county marks or brands his sheep, and the owners of sheep shall report in writing to such deputy sheep inspector

their marks and brands, for the purpose of aiding such deputy sheep inspector to make up and keep such records; said deputy sheep inspectors are also required to keep a book in which they shall record the names of all persons prosecuted for violations of this act, together with a description of the particular offense charged against him, the name of the court in which said prosecution was had, and the result of such prosecution, giving the amount of fines where fines are imposed. And on the first day of January of each year, each deputy sheep inspector appointed under the provisions of this act shall make a report to the state sheep inspector, which report shall contain a true and correct copy of his record as contained in the books required by him to be kept under the provisions of this act, which report shall be placed on file in the office of the state sheep inspector.

Sec. 11. It shall be unlawful for any person, persons, company, corporation or association, owning, controlling, or managing any ferryboat, toll bridge, car, steamboat, wagon, vehicle, or other things used for transportation, to allow any sheep to be carried thereon unless the party in charge of said sheep shall first produce a certificate from a deputy sheep inspector appointed under this act, that said sheep are free from scab, scabies, and other infectious or contagious disease. Any violation of this section shall be deemed a misdemeanor and punishable by a fine of not less than one hundred dollars or more than two hundred and fifty dollars.

Sec. 12. If any person or persons, company, or corporation, in driving or herding any sheep, should get into their herd any stray sheep, they shall immediately notify the owner thereof; and if the owner is unknown, he or they shall forthwith notify the deputy sheep inspector of such county, giving the number of such sheep and the brands of each; and any person, persons, company, or corporation violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than twenty-five dollars nor more than two hundred dollars.

Sec. 13. All deputy sheep inspectors are hereby given the power, and it is hereby made their duty to arrest and bring before a justice of the peace, or other court having jurisdiction of the same, any and all persons found

violating the provisions of this act, where a complaint shall be filed by such deputy sheep inspector, either upon his own knowledge or upon sworn complaint of such violation, whereupon a hearing shall be had as in other like criminal cases; and such deputy sheep inspectors are hereby vested with the same authority to arrest and to require aid in the execution of their said office as sheriffs and their deputies of the several counties of this state; provided, that the provisions of this act requiring the deputy sheep inspectors of the county to prosecute for a violation of the provisions of this act [requiring the deputy sheep inspectors of the county to prosecute for a violation of the provisions of this act] shall not be construed so as to prevent such prosecutions from being commenced and prosecuted by other persons as criminal action[s] are commenced and prosecuted in other cases.

Sec. 15. This act shall take effect and be in force from and after its passage.

ACT 3621.

An act authorizing and empowering the boards of supervisors of the several counties of the state to prevent and eradicate infectious and contagious diseases among sheep, to provide for the appointment of a sheep commissioner, and to define the duties and powers of commissioner.

[Approved March 16, 1889. Stats. 1889, p. 216.]

Appointment of sheep commissioner.

Section 1. Whenever a petition shall be filed with the board of supervisors of any county in this state, signed by not less than fifty resident freeholders of such county, praying for the appointment of the commissioner herein named, said board may, if deemed advisable, appoint some competent person, a resident of the county, who shall act and be known as sheep commissioner, whose duties and powers, which are to be exercised in the prevention and eradication of contagious diseases among sheep, shall be defined and determined by said board; and the fees and compensation of such commissioner, only to be charged when he is actually and necessarily engaged in the performance of his duties, shall be paid out of the treasury of said county as claims against counties are

now paid, and be fixed by said board at the time of such appointment.

Sec. 2. This act shall take effect immediately.

TITLE 440.

SHERIFFS.

ACT 3627.

To compensate sheriffs for conveying prisoners to the state prisons and insane persons to the insane asylum. [Stats. 1885, p. 126.]

Amended 1889, 200.

This act appears in full in the Political Code, Appendix, p. 1109; also in Penal Code, Appendix, p. 691.

ACT 3628.

To authorize the boards of supervisors to furnish the sheriff and deputy sheriffs of their several counties with a suitable badge of office. [Stats. 1875-6, p. 803.]

This act appears in full in the Political Code, Appendix, p. 1109.

TITLE 441.

SHERMAN ISLAND.

ACT 3632.

For the protection of public roads on. [Stats. 1877-8, p. 601.]

TITLE 442.

SHIPPING.

ACT 3638.

To prevent persons from enticing seamen to desert. [Stats. 1853, p. 186.]

Superseded by Penal Code, secs. 644, 645.

TITLE 443.

SIERRA COUNTY.

ACT 3643.

In relation to the county officers of. [Stats. 1869-70, p. 285.]

This act related to the fees and salaries of officers. See note to act 1119, ante.

ACT 3644.

Road districts and road overseers. [Stats. 1875-6, p. 405.]

Repealed by Political Code, secs. 2641 and 2642, as amended in 1893, and the County Government Acts, see 1897, 452.

ACT 3645.

Road poll-tax in. [Stats. 1875-6, p. 594.]

Repealed by Political Code, sec. 2652, as amended 1891, 478.

ACT 3646.

Supervisors to levy taxes for county purposes. [Stats. 1873-4, p. 510.]

Superseded by subds. 12 and 18, sec. 25, County Government Act, 1897, 460, 463.

ACT 3647.

Concerning office of treasurer of. [Stats. 1871-2, p. 582.]

Repealed 1873-4, 185.

This act made the assessor ex-officio treasurer.

ACT 3648.

Treasurer of. [Stats. 1873-4, p. 185.]

Repealed by County Government Acts, see 1897, 564, sec. 205.

TITLE 444.

SIERRA IRON COMPANY.

ACT 3652.

Granting right to construct road in Sierra and Plumas counties. [Stats. 1873-4, p. 841.]

TITLE 445.

SILK CULTURE.

ACT 3653.

To establish a state board of. [Stats. 1883, p. 369.]

Superseded 1885, 216.

ACT 3659.

To establish a state board of. [Stats. 1885, p. 216.]

TITLE 446.

SISKIYOU COUNTY.

ACT 3664.

Regulating fees and salaries in. [Stats. 1869-70, p. 249.]

Amended 1873-4, 188, 719.

See note to act 1119, ante.

ACT 3665.

Fees and salaries of officers. [Stats. 1873-4, p. 188.]

Amending and supplementing act of March 12, 1870. Supplemented 1873-4, 719. Repealed by County Government Acts, see 1897, 452, and fee bill of 1895, 267.

ACT 3666.

Concerning marks and brands in. [Stats. 1865-6, p. 332.]

Continued in force by Political Code, sec. 19, and Penal Code, sec. 23.

ACT 3667.

Creating board of water commissioners for. [Stats. 1865-6, p. 609.]

TITLE 447.**SMITH RIVER.****ACT 3672.**

Declaring Smith River navigable. [Stats. 1877-8, p. 799.]

Superseded by Political Code, sec. 2349, as amended 1891.

TITLE 448.**SOLANO COUNTY.****ACT 3677.**

To develop agricultural interests and aid the construction of a canal in Colusa, Solano, and Yolo counties. [Stats. 1865-6, p. 451.]

ACT 3678.

County seat, location of. [Stats. 1873-4, p. 783.]

Already located by Political Code, sec. 3956.

ACT 3679.

Highways in. [Stats. 1875-6, p. 316.]

Supplemented 1875-6, 817. Amended 1877-8, 598. Repealed 1883, 5, chap. X, sec. 2.

ACT 3680.

Branch county jail, establishing and maintaining. [Stats. 1875-6, p. 530.]

ACT 3681.

To provide for the appointment of two additional notaries for. [Stats. 1871-2, p. 24.]

Superseded by Political Code, sec. 791.

ACT 3682.

County recorder made ex-officio auditor. [Stats. 1875-6, p. 14.]

Repealed 1877-8, 158.

ACT 3683.

Salaries of officers of, regulating. [Stats. 1873-4, p. 869.]

Amended 1875-6, 56; 1877-8, 536. Repealed by County Government Acts, see 1897, 519, sec. 169.

ACT 3684.

To better define the duties and fix the compensation of certain officers of. [Stats. 1871-2, p. 624.]

Repealed by County Government Act, 1897, 519, sec. 169.

This act affected the duties of sheriff, county clerk, district attorney, and auditor.

ACT 3685.

Supervisors to levy a road tax. [Stats. 1873-4, p. 868.]

Superseded by County Government Act, sec. 25, subds. 12 and 18, 1897, 460, 463.

ACT 3686.

Legalizing records of. [Stats. 1857, p. 159.]

ACT 3687.

Authorizing transcribing records in. [Stats. 1859, p. 66.]

ACT 3688.

Title to certain lands in, quieting. [Stats. 1873-4, p. 829.]

This act related to certain lands in the Suscol Rancho.

TITLE 449.**SOLDIERS AND SAILORS.****ACT 3693.**

To provide for the burial of ex-union soldiers, sailors, and marines dying without leaving sufficient means to defray burial expenses. [Stats. 1889, p. 198.]

Amended 1901, 596.

ACT 3694.

To provide for building and furnishing the home for soldiers' widows, orphans, and army nurses, and for the management of such home, and the support of indigent persons residing in such home. [Stats. 1889, p. 206.]

Amended 1891, 428.

ACT 3695.

To give a preference in public service to honorably discharged ex-union soldiers, sailors, and marines of the war of the rebellion. [Stats. 1891, p. 289.]

ACT 3696.

To prevent the sale of intoxicating liquors in the immediate vicinity of soldiers' homes. [Stats. 1895, p. 161.]

TITLE 450.**SONOMA CITY.****ACT 3701.**

To confirm and legalize the acts and proceedings of any and all of the mayors, common councils, alcaldes, and justices of the peace of the pueblo of Sonoma. [Stats. 1869-70, p. 413.]

This act confirmed all proceedings relating to the sale or disposition of lands.

ACT 3702.

Authorizing sale of certain pueblo lands. [Stats. 1871-2, p. 239.]

ACT 3703.

To appoint commissioners for the pueblo of, to carry into effect the provisions of an act to validate the acts of former commissioners. [Stats. 1881, p. 25.]

ACT 3704.

Defining boundaries. [Stats. 1871-2, p. 10.]

Superseded by incorporation of the city under Municipal Corporation Act of 1883.

TITLE 451.**SONOMA COUNTY.****ACT 3709.**

Concerning the fees and salaries of certain officers in the county of Sonoma. [Stats. 1871-2, p. 583.]

This act related to certain duties of the sheriff and recorder. It was superseded by the County Government Act.

ACT 3710.

Salaries and compensation of certain officers of. [Stats. 1873-4, p. 382.]

Amended 1873-4, 720; 1875-6, 576, 726. Repealed by County Government Acts, see 1897, 509, sec. 163.

ACT 3711.

Fees and salaries in. [Stats. 1877-8, p. 129.]

Amended 1877-8, 328. Repealed as to fees by the fee bill of 1895, 267, as to officers therein named, and as to salaries by County Government Acts, see 1897, 509, sec. 163.

ACT 3712.

Division fences in Sonoma County and the lines of counties bordering thereon. [Stats. 1877-8, p. 692.]

ACT 3713.

Act relating to fence and pound districts in. [Stats. 1871-2, p. 203.]

Superseded as to pounds by subd. 14, sec. 25, County Government Act, 1897, 463.

ACT 3714.

To provide for the appointment of a notary to reside at Cloverdale. [Stats. 1871-2, p. 95.]

Repealed by Political Code, sec. 791.

ACT 3715.

Additional notaries in. [Stats. 1871-2, p. 95.]

Repealed by Political Code, sec. 791.

ACT 3716.

Authorizing transcribing of records in. [Stats. 1860, p. 109.]

ACT 3717.

Authorizing transcribing of records in. [Stats. 1862, p. 53.]

ACT 3718.

To provide for the translation of foreign records in Sonoma County, and to make such translations evidence of their contents. [Stats. 1869-70, p. 582.]

ACT 3719.

Roads and highways in. [Stats. 1875-6, p. 270.]

Repealed 1883, 5, chap. X, sec. 2.

ACT 3720.

Concerning roads and highways in. [Stats. 1871-2, p. 496.]

Supplemented 1873-4, 105. Amended and new sections added 1873-4, 762. Last-named statute repealed 1875-6, 53. Repealed by 1883, p. 5, chap. X, sec. 2.

ACT 3721.

Restricting the herding of sheep in. [Stats. 1857, p. 227.]

Amended 1858, 165; 1859, 119; 1860, 332; 1869-70, 804; 1871-2, 890; 1877-8, 79.

ACT 3722.

County surveyor of, fees of. [Stats. 1873-4, p. 228.]

ACT 3723.

Treasurer's office. [Stats. 1875-6, p. 11.]

Repealed by County Government Acts, see 1897, 452.

This act related to the counting of money in the treasurer's office.

TITLE 452.

SONOMA RIVER.

ACT 3718.

Declared navigable. [Stats. 1877-8, p. 72.]

Superseded by Political Code, sec. 2349.

TITLE 453.

SONORA.

ACT 3723.

Reincorporating. [Stats. 1877-8, p. 23.]

Supplemented 1877-8, 467. Superseded by incorporating, in 1900, under the Municipal Corporation Act of 1883.

ACT 3734.

Authorizing establishment of fire department. [Stats. 1871-2, p. 85.]

TITLE 454.

SOUTHERN PACIFIC RAILROAD COMPANY.

ACT 3739.

Giving effect to act of congress relating to. [Stats. 1869-70, p. 883.]

This act enabled the company to change the line of its road.

TITLE 455.

SPANISH LAND CLAIMS.

ACT 3744.

Providing for the preservation of papers relating to. [Stats. 1865-6, p. 312.]

TITLE 456.

STALLIONS.

ACT 3749.

To provide for the keeping of stallions and jacks. [Stats. 1871-2, p. 63.]

This act prescribed limits for the keeping of stallions and jacks unless they were inclosed from view.

TITLE 457.

STANFORD UNIVERSITY.

ACT 3754.

An act exempting from taxation a portion of the property held in trust for the benefit of the Leland Stanford Junior University.

[Approved February 14, 1901. Stats. 1901, p. 4.]

The people of the state of California, represented in senate and assembly, do enact as follows:

Section 1. The university buildings of the Leland Stanford Junior University, situate in the county of Santa Clara, state of California, used for university purposes, and all bonds held or that may be held by the trustees of such university in trust for the benefit of such university, shall be exempt from taxation; provided, that all other property, real and personal, held in trust for the benefit of such university shall be subject to state, county and municipal taxation; and provided further, that while this act is in force no fees shall be charged residents of this state for tuition at such university, but such tuition shall be entirely free.

Sec. 2. This act shall take effect from its passage.

ACT 3735.

An act granting to the trustees of the Leland Stanford Junior University corporate powers and privileges.

[Approved February 14, 1901. Stats. 1901, p. 4.]

The people of the state of California, represented in senate and assembly, do enact as follows:

Section 1. The trustees of the Leland Stanford Junior University are given the right to exercise corporate powers and privileges, and to that end they may organize and act as a board of trustees, elect such officers of such board as they may deem to be necessary, adopt by-laws, and as such board, and through the officers thereof, they may transact such business, perform such acts and exercise such powers as they in writing may provide may be transacted, performed and exercised by such board.

Such board may adopt a seal which shall read, "Seal of the Leland Stanford Junior University," and such seal, when attached to any document or writing, shall be prima facie evidence that such document or writing was made by and under due authority from such board and from such trustees.

Nothing herein shall be deemed to alter the tenure or limit the powers or obligations of such trustees.

Sec. 2. This act shall take effect from its passage.

TITLE 458.

STANISLAUS COUNTY.

ACT 3760.

Protection of agriculture in, and providing for distraining of trespassing animals. [Stats. 1877-8, p. 164.]

Modified, if not repealed, by the estray laws of 1897, 198, and 1901, 808.

ACT 3761.

Establishing a public highway and ferry on San Joaquin River. [Stats. 1871-2, p. 584.]

Superseded by subd. 35, sec. 25, County Government Act, 1897, 466.

ACT 3762.

Additional notaries public. [Stats. 1873-4, p. 108.]

Repealed by Political Code, sec. 791.

This act provided for the appointment of five additional notaries.

ACT 3763.

Offices of public administrator, coroner, and superintendent of schools. [Stats. 1873-4, p. 537.]

Repealed by County Government Acts, see 1897, 452.

ACT 3764.

Separating office of county recorder from office of county clerk, and regulating salaries of certain officers. [Stats. 1873-4, p. 277.]

Amended 1878-4, 448; 1877-8, 1001. Superseded by County Government Acts, see 1897, 452.

ACT 3765.

To provide for the extermination of squirrels in. [Stats. 1877-8, p. 787.]

Repealed 1880, 7.

ACT 3766.

County superintendent of schools, compensation of. [Stats. 1873-4, p. 537.]

Repealed by County Government Acts, see 1897, 550, sec. 191.

ACT 3767.

Superintendent of schools, act to provide office for. [Stats. 1871-2, p. 35.]

ACT 3768.

Road poll-taxes, collection of. [Stats. 1875-6, p. 570.]

Repealed by Political Code, sec. 2652, as amended 1891, 478.

ACT 3769.

Treasurer to transfer certain funds. [Stats. 1875-6, p. 270.]

Superseded by subd. 18, sec. 25, County Government Act, 1897, 463.

This act authorized the transfer from the swamp and overflowed fund to the general fund.

ACT 3770.

Regulating salary of treasurer of. [Stats. 1871-2, p. 183.]

Superseded by County Government Act, 1897, 550, sec. 191, as amended 1901, 171.

ACT 3771.

Witness fees in. [Stats. 1873-4, p. 732.]

Repealed 1875-8, 493.

TITLE 459.**STANISLAUS RIVER.****ACT 3776.**

To establish, maintain, and protect a public ford across, and a public road to and from the same. [Stats. 1871-2, p. 283.]

TITLE 460.**STATE.****ACT 3780.**

To define and establish a portion of the eastern boundary. [Stats. 1901, p. 89.]

ACT 3781.

In relation to costs in actions where state is a party. [Stats. 1852, p. 160.]

Superseded by Code of Civil Procedure, sec. 1038.

ACT 3782.

To provide for the receipt and appropriation of donations to. [Stats. 1880, p. 20.]

ACT 3783.

Release of claim by to certain lands. [Stats. 1871-2, p. 948.]

This act provided for the release of certain lands to the United States government.

ACT 3784.

Ceding to the United States jurisdiction over certain lands ceded to the United States. [Stats. 1891, p. 262.]

ACT 3785.

Giving consent of to reservation of certain lands by congress. [Stats. 1891, p. 107.]

This act gave the consent of the state to the reservation of a certain tract by congress for a public park.

ACT 3786.

Expressing the assent of to the act of congress of August 30, 1890, to apply a portion of the proceeds from the public lands to the more complete endowment and support of the colleges for the benefit of agriculture and the mechanic arts established under the provisions of an act of congress approved 1862: [Stats. 1891, p. 458.]

ACT 3787.

Appropriation to pay the claim of A. J. Bourn against the state for personal injuries received by him while in the service of the state. [Stats. 1891, p. 513.]

Unconstitutional. (Bourn v. Hart, 93 Cal. 321.)

ACT 3788.

To authorize Robert C. Ball to sue the state. [Stats. 1891, p. 194.]

ACT 3789.

Enabling the Coulterville and Yosemite Turnpike Company to sue the state. [Stats. 1891, p. 275.]

ACT 3790.

Suit against state, authorizing certain persons to bring. [Stats. 1875-6, p. 680.]

This act authorized Drury Melone, John Lord Love, and James J. Green to sue the state.

ACT 3791.

To authorize suits against the state, and regulating the procedure therein. [Stats. 1892, p. 57.]

See Molineux v. State, 109 Cal. 378; Chapman v. State, 104 Cal. 690.

This act appears in full in Code of Civil Procedure, Appendix, p. 784.

ACT 3792.

An act authorizing suits against the state on claims or demands arising under an act of the legislature entitled "An act fixing a bounty on coyote scalps," approved March 31, 1891, and regulating the procedure therein. [Approved March 28, 1901. Stats. 1901, p. 647.]

The people of the state of California, represented in senate and assembly, do enact as follows:

Section 1. The owners or holders of claims or demands against this state arising under the provisions of an act of the legislature entitled "An act fixing a bounty on

coyote scalps," approved March thirty-first, eighteen hundred and ninety-one, may, within twelve months from the passage of this act, bring suit upon their said claims or demands in any superior court of this state, and prosecute the same to final judgment. The rules of practice in civil cases shall apply to such suits, except as herein otherwise provided, with the right of appeal to either party.

Sec. 2. Service of summons in such suits shall be made on the attorney-general. It shall be the duty of the attorney-general to defend all such suits; and upon his written demand, made at or before the time of answering, the place of trial of any such suit must be changed to the county of Sacramento.

Sec. 3. All costs in any suit brought hereunder shall be paid by the plaintiff in the action; and in case judgment therein be for the plaintiff, it shall be for the amount actually found due to the plaintiff, without interest thereon and without costs; and such judgment shall bear no interest after rendition.

Sec. 4. It shall be the duty of the attorney-general to report to the legislature at its next ensuing session all final judgments recovered against the state hereunder, not theretofore reported.

Sec. 5. This act shall take effect immediately.

ACT 3793.

An act to authorize suits against the state concerning certain real property, and regulating the procedure therein.

[Approved March 8, 1901. Stats. 1901, p. 111.]

The people of the state of California, represented in senate and assembly, do enact as follows:

Section 1. All persons having or claiming title to the whole or to any part of the following described real property, to wit:

The fractions in the east half of section nineteen and the west half of section twenty, the northwest quarter of the northeast quarter and south half of the northeast quarter and the southeast quarter of section twenty and the southwest quarter of section twenty-one, being the land applied for and sold to A. H. Estell as a portion of the five-hundred-thousand-acre grant; also, the fractional northwest and

fractional northeast quarter of section twenty-eight, being the land applied for and sold to A. H. Estell as a portion of the ten-section grant; all being in township three south and range seven east, M. D. B. and M., Stanislaus County and state of California, and containing seven hundred and seventy-four and fifty-eight-hundredths acres;

Are hereby authorized, on the terms and conditions herein contained, to bring suit against the state of California in any court of competent jurisdiction in said state to quiet title to said land or to any portion thereof, and to prosecute the same to final judgment. The rules of practice in civil cases relating to suits to quiet title shall apply to such suits as may be brought under this authorization, except as herein otherwise provided.

Sec. 2. Any such suit to quiet title shall be commenced within one year after this act takes effect.

Sec. 3. At the time of filing the complaint in any such suit, the plaintiff shall file therewith an undertaking, in such sum, not less than five hundred dollars, as a judge of the court shall fix, with two sufficient sureties, to be approved by the judge of the court, and conditioned that, in case the plaintiff fails to recover judgment quieting the title of such plaintiff, he will pay all costs incurred by the state in such suit, including a reasonable counsel fee to be fixed by the court.

Sec. 4. Service of summons in such suit shall be made on the governor and attorney-general. It shall be the duty of the attorney-general to defend all such suits.

Sec. 5. A certified copy of any decree rendered in any such action quieting title may be recorded in the office of the county recorder of Stanislaus County and shall thereafter have the same effect as if such decree had been made in the superior court of said Stanislaus County.

Sec. 6. This act shall take effect immediately.

TITLE 461.

STATE ANALYST.

ACT 3799.

To provide for analyzing the minerals, mineral waters and other liquids and the medicinal plants of the state of California and of foods and drugs to prevent the adulteration of the same. [Stats. 1885, p. 43.]

In full in Appendix to Political Code, p. 1111.

TITLE 462.

STATE CAPITOL.

ACT 3804.

To provide for permanent location of seat of government at Sacramento. [Stats. 1854, p. 21.]

Superseded by constitution, art. XX, sec. 1.

ACT 3805.

Authorizing issuance of state bonds for. [Stats. 1871-2, p. 694.]

This act authorized the issuance of bonds to the amount of \$250,000.

ACT 3806.

Employees at. [Stats. 1873-4, p. 937.]

Amended 1880, 107; 1889, 449.

TITLE 463.

STATE ENGINEER.

ACT 3811.

To provide a system of irrigation, promote rapid drainage, and improve the navigation of the Sacramento and San Joaquin rivers. [Stats. 1877-8, p. 634.]

Amended 1889, 828, chap. CCXVIII, which renders the statute inoperative.

This act created the office of state engineer.

TITLE 464.

STATE FLOWER.

ACT 3816.

An act to select and adopt the "golden poppy" as the state flower of California.

[Approved March 2, 1903. Stats. 1903, p. 78.]

The people of the state of California, represented in senate and assembly, do enact as follows:

Section 1. The golden poppy (*eschscholtzia*) is hereby selected, designated, and adopted as the state flower of the state of California.

Sec. 2. This act shall be in force and effect from and after its passage.

TITLE 465.

STATE GEOLOGICAL SURVEY.

ACT 3821.

Distribution of reports of. [Stats. 1871-2, p. 55.]

Supplemented 1871-2, 924.

TITLE 406.

STATE LANDS.

ACT 3836.

An act providing for the presentation and cancellation of unlocated school land warrants of the state of California, issued under the act of the state of California, approved May 3, 1852, providing for the disposal of the five hundred thousand acres of land donated to the state of California by the government of the United States, and authorizing the controller of this state to draw his warrant on the state treasurer for the sum of two dollars per acre, in favor of any bona fide owner and holder of any such land warrant, for every acre represented by any such land warrant. [Approved March 23, 1893. Stats. 1893, p. 181.]

ACT 3837.

An act to provide for the applications for purchase of sixteenth and thirty-sixth sections, and to regulate the application for purchase of such sections, and requiring a deposit to accompany all applications for the purchase of the same.

[Approved March 20, 1889. Stats. 1889, p. 434.]

Purchase of sixteenth and thirty-sixth sections.

Section 1. Every application to purchase any portion of the sixteenth and thirty-sixth sections shall be accompanied by a deposit of twenty dollars, in addition to the fee for filing now required by law, for which the surveyor-general shall give the applicant a receipt, which receipt shall be accepted by the county treasurer in part payment of the purchase price of said land. If the applicant shall abandon or forfeit his said application, or shall fail to make proper proof as to the character of the said land, or as to his residence thereon, within the time allowed by law, or if his application shall be rejected by reason of any false statement in the affidavit herein contained, the twenty dollars thus paid shall go to the state school fund. If it is found that the surveyor-general erred in receiving the application, or that the state cannot make a good title to the land, then the applicant or his assigns may surrender to the surveyor-general the said receipt, and receive in exchange therefor a certificate showing the amount so paid, and the reason why the application could not be

approved or perfected, and the controller, upon the surrender to him of the said surveyor-general's certificate, shall issue to the applicant, or his assigns, a warrant for the said amount.

Filings.

Sec. 2. Any number of filings on any section of land is hereby permitted and allowed under the provisions of this act. Should the first filing be abandoned by the applicant, the next filing on such section, in order, shall have the same right as if it had been the first filing.

Moneys to go to school land deposit fund.

Sec. 3. The moneys received by the surveyor-general under the provisions of this act, except the moneys forfeited under section one, shall be paid to the state treasurer at the close of each month, and must be placed in a fund, to be called "School Land Deposit Fund," to the credit of the county in which the lands applied for are situated. When any moneys are placed in "The School Deposit Fund" to the credit of a county, the controller, at the next settlement with the controller by the treasurer of such county, must draw his warrant upon the state treasurer for the amount in the fund to the credit of the county; provided, that the direction herein to the controller is exempted from the operations of section six hundred and seventy-two of the Political Code.

ACT 3828.

An act respecting the payment in full by holders of certificates of purchase for lands sold by the state of California prior to March 27, 1872, and for which the said state has at any time heretofore issued certificates of purchase to subsequent purchasers.

[Approved March 20, 1889. Stats. 1889, p. 428.]

When holders of certificates of purchase of state lands deemed to have forfeited their rights therein.

Section 1. Whenever application has been made to purchase land from this state, and payment only in part has been made to the treasurer of the proper county for the same, and a certificate of purchase has been issued to the applicant prior to the twenty-seventh day of March, eighteen hundred and seventy-two, and whenever such ap-

plicant, his assignee or assignees, shall have failed for five years to pay to the state the arrears of principal or of interest due to the state for said land, and the state shall at any time heretofore have issued a certificate of purchase for the same land, or any part thereof, to a subsequent purchaser, then, unless the holder or holders of such prior certificate shall pay the entire residue of the interest remaining unpaid for such purchase within six months from and after the passage of this act, such holder or holders shall be deemed to have lost all right to the land described in said certificate, or to complete the purchase of such land, and all moneys heretofore paid to the state of California on such purchase shall be deemed and taken to be forfeited to the state. Nothing herein contained, however, shall be deemed or taken to give to or confer upon the holder or holders of such prior certificates, or any of them, as against the state of California, or any subsequent purchasers therefrom, or against the holders of subsequent certificates of purchase, any other or greater right to the lands herein referred to than is now held by the holder or holders of such prior certificates, or to confer upon such holder or holders any new right, or to affect or impair the rights of such subsequent purchasers or their assigns.

Previous part payment confers no special rights—Does not apply.

Sec. 2. The mere fact of previous part payment shall not of itself confer on such prior purchaser or his assigns any right to complete the purchase, if he or they be not otherwise entitled so to do, as against the state, and a subsequent purchaser or his assigns; provided, that this act shall not apply to any action now pending commenced within five years.

Sec. 3. This act shall take effect from and after the date of its passage.

In addition consult the following acts:

ACT 3829.

Ceding to the United States of America jurisdiction over all lands within this state which have been or may hereafter be acquired by the United States for military purposes. [Approved March 2, 1897. Stats. 1897, p. 51.]

ACT 3830.

Ceding to the United States of America jurisdiction over lands in this state ceded to the United States. [Approved March 31, 1891. Stats. 1891, p. 262.]

ACT 3831.

Relinquishing to the United States of America the title of this state to certain lands. [Approved March 9, 1897. Stats. 1897, p. 74.]

This act relinquished the title to tide lands adjacent to lands held by the United States for military purposes.

ACT 3832.

To authorize the governor and surveyor-general to sell and convey the state's interest in certain lands. [Approved March 31, 1891. Stats. 1891, p. 251.]

ACT 3833.

To legalize applications heretofore made for the purchase of lands belonging to this state, and to confirm the title of the purchasers under such applications. [Approved March 27, 1872. Stats. 1871-2, p. 622.]

Cal.Rep.Cit. 69, 426; 69, 438; 75, 454; 117, 463.

ACT 3834.

For the relief of purchasers of state lands. [Approved March 27, 1872. Stats. 1871-2, p. 587.]

Amended 1877-8, 914.

Cal.Rep.Cit. 46, 26; 62, 259; 63, 30; 74, 112.

ACT 3835.

Entitled "An act to enable purchasers of state lands to redeem the same, where their titles have been or may hereafter be foreclosed for non-payment of interest." [Approved March 7, 1881. Stats. 1881, p. 65.]

Cal.Rep.Cit. 115, 333.

ACT 3836.

To provide for an examination into the sale and disposal of state lands. [Approved April 1, 1876. Stats. 1875-6, p. 798.]

ACT 3837.

To protect bona fide settlers upon public lands. [Approved March 23, 1874. Stats. 1873-4, p. 543.]

Cal.Rep.Cit. 105, 150; 105, 151.

ACT 3838.

To reserve from sale the north half of section sixteen in township seven south and range three east, Monte Diablo meridian. [Approved April 1, 1876. Stats. 1875-6, p. 679.]

ACT 3839.

For the protection of settlers on public lands claimed by the state. [Approved March 10, 1874. Stats. 1873-4, p. 327.]

Amended 1881, 72. See Political Code, secs. 3441, 3443.

TITLE 467.**STATE LIBRARY.****ACT 3844.**

State library, establishing cabinet department in. [Stats. 1871-2, p. 824.]

"Further duties of librarian terminated by transfer of the mineral specimens to the mining bureau by senate concurrent resolution No. 10 of March 4, 1881 (1881, 102); transferred to Crocker Art Gallery, 1887, 74, chap. LX."—Code Commissioners' note.

TITLE 468.**STATE PRINTER.****ACT 3849.**

Relating to. [Stats. 1871-2, p. 871.]

Superseded by Political Code, sec. 540, subd. 4, relating to superintendent of state printing.

ACT 3850.

State printing office, establishing. [Stats. 1871-2, p. 554.]

Superseded and repealed by Political Code, secs. 526-540.

TITLE 469.**STATE PRISONS.****ACT 3855.**

To define, regulate, and govern the state prisons of California. [Stats. 1880, p. 67.]

Amended 1881, 79. Superseded by 1889, 404, chap. CCLXIV.

ACT 3856.

To regulate and govern. [Stats. 1889, p. 404.]

This act is in full in the Penal Code, Appendix, p. 691.

ACT 3857.

Branch state prison near Folsom, erection and maintenance of. [Stats. 1873-4, p. 785.]

Superseded by 1889, 404.

This act is in full in the Appendix to the Penal Code, p. 705.

ACT 3858.

Appropriating money for building work-shops and prison buildings at San Quentin. [Approved March 31, 1876. Stats. 1875-6, p. 643.]

ACT 3859.

Concerning the payment of the expenses and costs of the trial of convicts for crimes committed in the state prison, and to pay the costs of the trial of escaped convicts, and to pay for the expense of coroner's inquests in said prison. [Stats. 1880, p. 43.]

This act is in full in the Appendix to the Penal Code, p. 588.

ACT 3860.

Providing for the erection and operation of rock-crushing plants at the state prisons, for the preparation of high-way material for the benefit of the people of the state, and providing for the necessary advances and appropriation of money to carry out said work. [Stats. 1895, p. 274.]

In full in the Appendix to the Penal Code, p. 710.

ACT 3861.

To regulate and govern the operation of the rock-crushing plant at Folsom, to provide for the sale of crushed rock and the disposition of the revenues derived therefrom. [Stats. 1897, p. 99.]

In full in the Appendix to the Penal Code, p. 718.

ACT 3862.

Directing the state prison directors of the state of California to employ at least twenty prisoners in the construction of roads to the state prisons at San Quentin and at Folsom. [Approved March 12, 1903. Stats. 1903, p. 127.]

This act appears in full in Penal Code, Appendix, p. 719.

ACT 3863.

To protect the public health, to prevent the introduction and spreading of disease, and to provide for the protection of the health of criminals under sentence on a conviction of a misdemeanor. [Stats. 1883, p. 280.]

In full in the Appendix to the Penal Code, p. 719. This act provided for the cutting of the hair of prisoners.

ACT 3864.

To prohibit the sale of ardent spirits within two miles of the state prison. [Stats. 1855, p. 108.]

Superseded by Penal Code, sec. 172.

ACT 3865.

To authorize and empower the state board of prison directors to purchase California-grown hemp, to be used in the manufacture of grain bags, and to fix the price at which such bags shall be sold. [Approved March 16, 1901. Stats. 1901, p. 515.]

This act appears in full in Penal Code, Appendix, p. 716.

ACT 3866.

To establish a board of parole commissioners for the parole of and government of paroled prisoners. [Stats. 1893, p. 183.]

Amended 1901, 82.

In full in Appendix to Penal Code, p. 721.

TITLE 470.**ACT 3871.****STATE TREASURER.**

To increase the number of clerks in the office of. [Stats. 1889, p. 303.]

Repealed 1895, 88.

TITLE 471.**ACT 3876.****STATUTE OF LIMITATIONS.**

Respecting limitation of actions. [Stats. 1871-2, p. 319.]

Cal.Rep.Clt. 104, 486.

Superseded by Code of Civil Procedure, sec. 348.

This act appears in full in Code of Civil Procedure, Appendix, p. 786. It related to actions on bankers' certificates of deposit found after the decease of a party.

ACT 3877.

Defining time for commencing civil actions, supplementing act of April 22, 1850. [Stats. 1871-2, p. 401.]

Codified and superseded by Code of Civil Procedure, sec. 348.

This act appears in full in Code of Civil Procedure, Appendix, p. 787. It provided that there should be no limitation against banks and trust companies.

TITLE 472.**STATUTES.****ACT 3882.**

To abolish all laws except those passed during the present session. [Stats. 1850, p. 342.]

ACT 2883.

Fixing the time when general laws shall take effect.
[Stats. 1860, p. 16.]

Amended 1861, 77. Superseded by Political Code, sec. 323.

TITLE 473.**STEAMBOATS.****ACT 2888.**

To guard against the destruction of property by fire by means of sparks from the chimneys of steamboats navigating certain waters of this state. [Stats. 1857, p. 121.]

This act required steamboats on the San Joaquin or Sacramento rivers to use spark catchers. It has been superseded by Political Code, secs. 2374-2377.

TITLE 474.**ST. HELENA.****ACT 2894.**

Incorporating. [Stats. 1875-6, p. 444.]

Amended 1877-8, 791. Superseded by incorporating, in 1889, under the Municipal Corporation Act of 1883.

TITLE 475.**STOCKTON.****ACT 2898.**

Reincorporating. [Stats. 1871-2, p. 595.]

Amended 1873-4, 193, 489; 1875-6, 523; 1877-8, 220. Superseded by the charter of Stockton, 1899, 577.

ACT 2900.

Assessor of, additional powers of. [Stats. 1877-8, p. 65.]
Superseded by charter of Stockton, 1899, 514.

ACT 2901.

City council empowered to protect city from inundation.
[Stats. 1875-6, p. 12.]

Superseded by charter of that city, 1899, 577.

ACT 2902.

Empowering to excavate, widen, and open Mormon Slough.
[Stats. 1871-2, p. 540.]

"Probably superseded by charter of Stockton, secs. 146 to 164, Stats. 1889, 612."—Code Commissioners' note.

ACT 3903.

Ratifying ordinance No. 64, [Stats. 1877-8, p. 201.]

This act authorized the receipt and disposal of certain lands.

ACT 3904.

To provide for the construction and maintenance of an open canal from and along North Street, to the San Joaquin River, for sanitary and drainage purposes, and to appropriate money therefor. [Approved March 12, 1887. Stats. 1887, p. 109.]

The act authorized the directors of the insane asylum to construct the above canal.

TITLE 476.**STOCKTON SLOUGH.****ACT 3909.**

Declaring navigable. [Stats. 1871-2, p. 117.]

Superseded by Political Code, sec. 2349, as amended 1891, 96.

TITLE 477.**STRAWBERRY VALLEY.****ACT 3914.**

Defining the locality of the village of Strawberry Valley. [Stats. 1860, p. 115.]

TITLE 478**STREET RAILROADS.****ACT 3919.**

Concerning street railroads. [Stats. 1863, 296.]

This act provided a penalty for overcharges, and required companies to furnish tickets. It has been superseded by the Civil Code, secs. 504, 505.

ACT 3920.

Concerning street railroads. [Stats. 1869-70, p. 481.]

Amended 1869-70, 786; 1871-2, 515. Probably superseded by Civil Code, secs. 497-523.

Cal.Rep.Cit. 45, 371.

TITLE 479.**STREETS.****ACT 3925.**

An act to provide for the planting, maintenance, and care of shade trees upon streets, lanes, alleys, courts, and places within municipalities, and of hedges upon the

lines thereof; also, for the eradication of certain weeds, within city limits.

[Approved March 11, 1893. Stats. 1893, p. 153.]

Section 1. All streets, lanes, alleys, places, or courts in the municipalities of this state now open or dedicated, or which may hereafter be opened or dedicated, to public use, whose grade has been officially established, and which have been actually graded in conformity therewith, may be planted with shade trees, along the edges of the sidewalks thereof, by order of the city council, which shall have power, also, to provide for the maintenance and care of the same; and the city council shall have power to prescribe the height, thickness, and manner of trimming of all hedges set out, or that shall be hereafter set out, along the line of any street, lane, alley, place, or court dedicated to public use, whether graded or not, and to compel compliance with its ordinances in the premises by the owners or occupants of the lots fronting thereon. The powers hereby conferred upon city councils shall be exercised in the manner and under the proceedings hereinafter described.

Sec. 2. The city council of any municipality in the state may, at its discretion, pass a resolution of intention to plant, or cause to be planted, with shade trees, any graded street, lane, alley, place, or court within the limits of such municipality. Such resolution of intention may embrace the entire length of any street, lane, alley, place, or court, or any portion thereof, but must specify the kind of trees to be planted, their size, age and their distance apart. The street superintendent shall thereupon cause to be conspicuously posted along both sides of the street mentioned in the resolution at not more than three hundred feet in distance apart, notices of the passage of said resolution. Said notice shall be headed "Notice to plant shade trees," in letters not less than one inch in length, and shall, in legible characters, set forth the language of the resolution and the date of its passage. The city clerk shall also cause a copy of the resolution to be published for six days in one or more daily newspapers published and circulated in said city, and designated by said city council.

Sec. 3. The owners of a majority of the frontage of the property on both sides of the street proposed to be planted

as aforesaid may, within ten days after the expiration of the time of publication of said resolution, file their written statement of objections to the proposed work with the city clerk, which must be signed by the objectors, each one writing after his or her name the number of feet frontage owned by him or her. Such objection must show wherein the parties making them will be injured or aggrieved by the proposed work, and if the objection be to the kind of trees proposed to be planted, they must name some other kind of tree to be substituted therefor. The city council shall, at its next meeting after the filing of said objections, fix a time for hearing the same, not less than one week thereafter. The city clerk shall thereupon notify each objector, or his agent, who has signed his or her name to the statement, by depositing, in the postoffice of said city, a notice addressed to him or her, postage prepaid, notifying the objectors of the time and place of hearing. At the time specified, the council shall hear the objections urged, and pass upon the same, and its decision shall be final and conclusive, except that in the choice of trees to be planted, it shall be governed by the written request of the owners of a majority of the frontage on both sides of the street which it is proposed to plant. If the objections be sustained, no further proceedings shall be taken under the resolution of intention for six months after the date of its passage. If it be again proposed to plant the street, the council shall commence proceedings de novo as if no action had been previously taken.

Sec. 4. At the expiration of ten days after the expiration of the time of publication of said resolution of intention, if no written objections to the work therein described shall have been filed with the city clerk, as hereinbefore provided, otherwise, immediately upon the overruling of the objections by the council, the council shall be deemed to have acquired jurisdiction to order to be done the work which is authorized by this act, which order shall be published for two days in the same papers and manner as provided for the publication of the resolution of intention.

Sec. 5. Before passing any resolutions for the planting of any street, the city council shall cause notice, with specifications, to be posted conspicuously for five days near the door of the council chamber, and shall advertise the same for five days in the same manner and papers as hereto-

fore provided for the publication of the resolution of intention, inviting sealed proposals for bids for furnishing the trees and doing the work ordered. All bids shall state the sum or price for which the bidder will undertake to furnish the trees, of the kind, age, and size required, and will suitably prepare the ground, set out the trees, warrant every one of them to grow, or replace all that fail to grow or receive damage from whatever cause with others of the same kind, and of suitable age and size to preserve uniformity, and will for three years care for, cultivate, protect, irrigate, and trim said trees. And no order for the planting of any street shade trees shall be made that does not likewise provide for the care and maintenance of the trees for three years by the contractor planting the trees. All proposals or bids shall be accompanied by a check payable to the order of the mayor or president of the city council, certified by a responsible bank, for an amount which shall not be less than ten per cent of the aggregate of the proposal. Said proposals or bids shall be delivered to the clerk of the city council, indorsed "Proposals to plant trees," and said council shall, in open session, examine and publicly declare the same; provided, that no proposal or bid shall be considered unless accompanied by said check. The council may reject all proposals, should it deem this for the public good, and shall reject the bid of any party who has been delinquent or unfaithful in any former contract with the municipality, and may award the contract to the lowest responsible bidder, at the prices named in his bid, which award shall be approved by the mayor or president of the council. Notice of such awards of contract shall be posted and advertised for five days, in the manner hereinbefore provided, and it shall be the duty of the superintendent of streets to enter into a contract with the bidder to whom the work shall have been awarded by the council, and at the prices specified in his bid; whereupon the certified checks of all the other bidders shall be returned to them, respectively. But if such lowest bidder neglects, fails, or refuses, for fifteen days after the first posting and publication of the award, to enter into the contract, then the city council, without further proceedings, shall again advertise for proposals or bids, as in the first instance, and shall award the contract for said work to the then lowest bidder. If the contractor

who shall have taken any contract shall not complete the planting, within the time limited in the contract, or within such further time as the council may give him, the superintendent of streets shall report such delinquency to the council, which may relet the unfinished portion of the planting and the future care of the trees, after pursuing the formalities hereinbefore prescribed for the letting of the whole in the first instance.

Sec. 6. All contractors shall, at the time of executing any contract for the planting and care of trees, execute a bond to the satisfaction of the mayor or president of the city council, with two or more sureties, and payable to the city in such sums as the mayor or president of the council shall deem adequate, conditioned for the faithful performance of the contract, and the sureties shall justify before the recorder or a justice of the peace, in double the amount mentioned in such bond, over and above all statutory exemption. Before being entitled to any contract, the bidder to whom the award shall have been made must pay into the city treasury the cost of the publication of notices, resolutions, and orders, and all other incidental expenses required under the proceedings prescribed by this act.

Sec. 7. All work done under the provisions of this statute shall be executed under the direction of the superintendent of streets, whose duty it shall be, under the general control of the council, to see that all the obligations assumed by contractors towards the city are faithfully complied with, and that all trees furnished are sound, healthy, free from infection by insects, and of the kind, size, and age called for by the contract. He shall certify to the completion of all work, or portion of work, which, by the terms of the contract, shall entitle the contractor to payment in whole or in part, and the presentation of his certificate by the contractor shall be a condition precedent to each payment that shall become due under the contract.

Sec. 8. All sums due to contractors under the provisions of this act shall be payable by installments, as follows, to wit: Not more than one half the entire consideration in the contract shall be payable on the completion of the planting, and out of this amount the superintendent of streets shall see that the trees are paid for, to the party furnishing the same; one half the balance at the end of eighteen months after the completion of the planting;

provided, all conditions shall have been complied with; the remaining one half to be paid at the end of three years after the completion of the planting; provided, all conditions shall have been complied with.

Sec. 9. Immediately upon the execution of any contract for the planting and care of street trees under the provisions of this act, it shall be the duty of the city assessor to make an assessment to cover the sum to become due for the work specified in such contract (including all incidental expenses) upon the lots and land fronting on the street, lane, alley, court, or place to which such contract relates, each lot or portion of a lot being separately assessed, in proportion to the frontage, at a rate per foot front sufficient to cover the total expenses of the work. Said assessment shall briefly refer to the contract, the work contracted for, and shall show the amount to be paid therefor, together with any incidental expenses, the rate per foot front assessed, the amount of each assessment, the name of the owner of each lot, if known to the assessor (if unknown, the word "Unknown" shall be written opposite the number or description of the lot, with the amount assessed thereon). And the assessor shall attach to said assessment a diagram, exhibiting the street, lane, alley, place, or court on which the work is contracted to be done, and showing the relative location and frontage of such lot, numbered to correspond with the numbers in the assessment. To said assessment shall be attached a warrant, which shall be signed by the superintendent of streets, and countersigned by the mayor or president of the council. The said assessments and warrants shall be separately issued for each payment that shall be due the contractor, as specified in section eight of this act, and shall be substantially in the following form:

Form of the Warrant.

By virtue hereof, I (name of the superintendent of streets), of the city of —, county of —, and state of California, by virtue of the authority vested in me as said superintendent of streets, do authorize and empower (name of contractor), his agents or assigns, to demand and receive the several assessments upon the assessment and diagram hereto attached, and this shall be his warrant for the same.

Date —, —. (Name of superintendent of streets.)

Countersigned by (name of mayor or president of council).

Recorded (date —, —). (Name of superintendent of streets.)

Said warrant, assessment, and diagram shall be recorded in the office of the superintendent of streets. When so recorded, the several amounts assessed shall be a lien upon the lands, lots, or portions of lots, assessed, respectively, for the period of two years from the date of said recording, unless sooner discharged. From and after the date of said record, all persons interested in any manner in any or all of the lots assessed shall be deemed to have notice of the contents of said record.

Sec. 10. After said warrant, assessment, and diagram shall have been recorded, the same shall be delivered to the contractor, his agents or assigns, on demand, who shall thereby be authorized to demand and receive the amounts of the several assessments. In default whereof, and as regards enforced collections, interest, cost, and penalties, and the correction of errors, the same proceedings are to be had as are specified in sections nine, ten, eleven, twelve, sixteen, and seventeen of an act entitled "An act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March eighteenth, eighteen hundred and eighty-five, amended March fourteenth, eighteen hundred and eighty-nine.

Sec. 11. The city council of every municipality in this state has jurisdiction of the hedges and fences placed by property owners along street lines, and may, by ordinance, prohibit the planting of thorn-bearing hedges and the use of barbed-wire along street lines, and may regulate the height, width, and the mode of trimming hedges, and enforce ordinances enacted for such purposes against absentees, or other negligent or recusant owners or occupants of lots or lands on which hedges are maintained. They may also condemn as public nuisances, any or all weeds whose seeds are of a winged or downy nature, and are spread by the winds, and may compel the eradication of such weeds by the owners of the lots whereon they grow, or at their expense.

Sec. 12. The city council or trustees of every municipality shall provide for the replacement of missing trees,

and for the trimming and care of all trees that have or shall have been planted for three or more years in the streets and highways, whether such planting shall have been done under this act or otherwise; the expense whereof must be defrayed out of the street fund, and the work be done by the superintendent of streets of such municipality.

Sec. 13. This act shall only apply to such municipalities as shall by vote of the electors residing therein determine to come within its provisions.

Sec. 14. This act shall take effect from and after its passage.

ACT 3920.

To provide for the improvement of streets, etc., and the construction of sewers within municipalities. [Stats. 1883, p. 32.]

Repealed 1885, 165.

Cal.Rep.Cit. 69, 473; 73, 75; 73, 85; 98, 618.

ACT 3927.

An act to provide for laying out, opening, extending, widening, straightening, or closing up in whole or in part any street, square, lane, alley, court, or place within municipalities, and to condemn and acquire any and all land and property necessary or convenient for that purpose.

[Approved March 6, 1889. Stats. 1889, p. 70.]

Repealed as to cities over 40,000, act 3931, post.

Cal.Rep.Cit. 86, 39; 95, 458; 97, 13; 98, 616; 99, 540; 100, 435; 101, 19; 101, 23; 101, 508; 101, 511; 102, 517; 104, 307; 109, 51; 115, 558; 119, 185; 124, 277; 124, 336; 124, 340; 124, 505; 125, 640; 127, 665; 132, 236; 133, 6.

Laying out, opening, closing, etc., streets, lanes, alleys, etc.

Section 1. Whenever the public interest or convenience may require, the city council of any municipality shall have full power and authority to order the opening, extending, widening, straightening, or closing up in whole or in part of any street, square, lane, alley, court, or place within the bounds of such city, and to condemn and acquire any and all land and property necessary or convenient for that purpose.

Resolution of council declaring intention to perform street work.

Sec. 2. Before ordering any work to be done or im-

provement made which is authorized by section one of this act, the city council shall pass a resolution declaring its intention to do so, describing the work or improvement, and the land deemed necessary to be taken therefor, and specifying the exterior boundaries of the district of lands to be affected or benefited by said work or improvement, and to be assessed to pay the damages, cost, and expenses thereof.

Street superintendent to post notice.

Sec. 3. The street superintendent shall then cause to be conspicuously posted along the line of said contemplated work or improvement, at not more than three hundred feet in distance apart, but not less than three in all, notices of the passage of said resolution. Said notice shall be headed "Notice of Public Work," in letters not less than one inch in length, shall be in legible characters, state the fact of passage of the resolution, its date, and, briefly, the work or improvement proposed, and refer to the resolution for further particulars. He shall also cause a notice, similar in substance, to be published for a period of ten days in one or more daily newspapers published and circulated in said city, and designated by said city council; or if there is no daily newspaper so published and circulated in said city, then by four successive insertions in a weekly or semi-weekly newspaper, so published, circulated, and designated.

Interested persons may file objections.

Sec. 4. Any person interested objecting to said work or improvement, or to the extent of the district of lands to be affected or benefited by said work or improvement, and to be assessed to pay the cost and expenses thereof, may make written objections to the same within ten days after the expiration of the time of the publication of said notice, which objection shall be delivered to the clerk of the city council, who shall indorse thereon the date of its reception by him, and at the next meeting of the city council after the expiration of said ten days lay said objections before said city council, which shall fix a time for hearing said objections, not less than one week thereafter. The city clerk shall thereupon notify the persons making such objections, by depositing a notice thereof in the

post-office of said city, postage prepaid, addressed to such objector.

Decision of council to be final.

Sec. 5. At the time specified or to which the hearing may be adjourned, the said city council shall hear the objections urged, and pass upon the same, and its decision shall be final and conclusive. If such objections are sustained, all proceedings shall be stopped, but proceedings may be again commenced at any time by giving notice of intention to do said work or make said improvement. If such objection is overruled by the city council, the proceedings shall continue the same as if such objection had not been made. At the expiration of the time prescribed during which objections to said work or improvement may be made, if no objections shall have been made, or if an objection shall have been made, and said council, after hearing, shall have overruled the same, the city council shall be deemed to have acquired jurisdiction to order any of the work to be done, or improvements to be made, which is authorized by section one of this act.

Jurisdiction.

Sec. 6. Having acquired jurisdiction as provided in the preceding section, the city council shall order said work to be done, and unless the proposed work is for closing up, and it appears that no assessment is necessary, shall appoint three commissioners to assess benefits and damages, and have general supervision of the proposed work or improvement until the completion thereof in compliance with this statute. For their services, they shall receive such compensation as the city council may determine from time to time; provided, that such compensation shall not exceed two hundred dollars per month each, nor continue more than six months, unless extended by order of the city council. Such compensation shall be added to and be chargeable as a part of the expenses of the work or improvement. Each of said commissioners shall file with the clerk of the city council an affidavit, and a bond to the state of California, in the sum of five thousand dollars, to faithfully perform the duties of his office. The city council may at any time remove any or all of said commissioners for cause, upon reasonable notice and hearing, and may fill any vacancies occurring among them for any cause.

Commissioners to employ assistance.

Sec. 7. Said commissioners shall have power to employ such assistance, legal or otherwise, as they may deem necessary and proper; also to rent an office, and provide such maps, diagrams, plans, books, stationery, fuel, lights, postage, expressage and incur such incidental expenses as they may deem necessary.

Expenses to be a charge upon the particular work required.

Sec. 8. All such charges and expenses shall be deemed as expenses of said work or improvement, and be a charge only upon the funds devoted to the particular work or improvement as provided hereinafter. All payments, as well for the land and improvements taken or damaged, as for the charges and expenses, shall be paid by the city treasurer, upon warrants drawn upon said fund from time to time, signed by said commissioners, or a majority of them. All such warrants shall state whether they are issued for land or improvements taken or damaged, or for charges and expenses, and that the demand is payable only out of the money in said fund, and in no event shall the city be liable for the failure to collect any assessment made by virtue hereof, nor shall said warrant be payable out of any other fund, nor [be] a claim against the city.

Viewing of land—Examination of witnesses.

Sec. 9. Said commissioners shall proceed to view the lands described in the resolution of intention, and may examine witnesses on oath to be administered by any one of them. Having viewed the land to be taken, and the improvements affected, and considered the testimony presented, they shall proceed with all diligence to determine the value of the land and the damage to improvements and property affected, and also the amount of the expenses incident to said work or improvement, and having determined the same shall proceed to assess the same upon the district of lands declared benefited, the exterior boundaries of which were fixed by the resolution of intention provided for by section two hereof. Such assessment shall be made upon the lands within said district in proportion to the benefit to be derived from said work or improvement, so far as the said commissioners can reasonably estimate

the same. including in such estimate the property of any railroad company within said district, if such there be.

Report to council accompanied with a plat of the assessment district.

Sec. 10. Said commissioners having made their assessment of benefits and damage, shall, with all diligence, make a written report thereof to the city council, and shall accompany their report with a plat of the assessment district showing the land taken or to be taken for the work or improvement, and the lands assessed, showing the relative location of each district, block, lot, or portion of lot, and its dimensions, so far as the commissioners can reasonably ascertain the same. Each block and lot, or portion of lot, taken or assessed, shall be designated and described in said plat by an appropriate number, and a reference to it by such descriptive number shall be a sufficient description of it in any suit entered to condemn, and in all respects. When the report and plat are approved by the city council, a copy of said plat, appropriately designated, shall be filed by the clerk thereof in the office of the recorder of the county.

Report, what must specify.

Sec. 11. Said report shall specify each lot, subdivision, or piece of property taken or injured by the widening or other improvement, or assessed therefor, together with the name of the owner or claimants thereof, or of persons interested therein as lessees, incumbrancers, or otherwise, so far as the same are known to such commissioners, and the particulars of their interest, so far as the same can be ascertained, and the amount of value or damage, or the amount assessed, as the case may be.

When set down to unknown owners.

Sec. 12. If in any case the commissioners find that conflicting claims of title exist, or shall be in ignorance or doubt as to the ownership of any lot of land, or of any improvements thereon, or of any interest therein, it shall be set down as belonging to unknown owners. Error in the designation of the owner or owners of any land or improvements, or of the particulars of their interest, shall not affect the validity of the assessment or of the condemnation of the property to be taken.

Filing of report and plat, and publication of.

Sec. 13. Said report and plat shall be filed in the clerk's office of the city council, and thereupon the clerk of said city council shall give notice of such filing by publication for at least ten days in one or more daily newspapers published and circulated in said city; or if there be no daily paper, by three successive insertions in a weekly or semi-weekly newspaper so published and circulated. Said notice shall also require all persons interested to show cause, if any, why such report should not be confirmed, before the city council on or before a day fixed by the clerk thereof, and stated in said notice, which day shall not be less than thirty days from the first publication thereof.

Objections must be in writing.

Sec. 14. All objections shall be in writing, and filed with the clerk of the city council, who shall, at the next meeting after the day fixed in the notice to show cause, lay the said objections, if any, before the city council, which shall fix a time for hearing the same, of which the clerk shall notify the objectors in the same manner as objectors to the original resolution of intention; at the time set, or at such other time as the hearing may be adjourned to, the city council shall hear such objections and pass upon the same; and at such time, or, if there be no objections, at the first meeting after the day set in such order to show cause, or such other time as may be fixed, shall proceed to pass upon such report, and may confirm, correct, or modify the same, or may order the commissioners to make a new assessment, report, and plat, which shall be filed, notice given, and hearing had, as in the case of an original report.

Duty of clerk of council.

Sec. 15. The clerk of said city council shall forward to the street superintendent of the city a certified copy of the report, assessment, and plat, as finally confirmed and adopted by the city council. Such certified copy shall thereupon be the assessment roll. Immediately upon receipt thereof by the street superintendent, the assessment therein contained shall become due and payable, and shall be a lien upon all the property contained or described therein.

Duty of superintendent of streets on receiving certified copy of report as confirmed by council.

Sec. 16. The superintendent of streets shall thereupon give notice by publication for ten days in one or more daily newspapers published and circulated in such city or city and county, or by two successive insertions in a weekly or semi-weekly newspaper so published and circulated, that he has received said assessment roll, and that all sums levied and assessed in said assessment roll are due and payable immediately, and that the payment of said sums is to be made to him within thirty days from the date of the first publication of said notice. Said notice shall also contain a statement that all assessments not paid before the expiration of said thirty days will be declared to be delinquent, and that thereafter the sum of five per cent upon the amount of each delinquent assessment, together with the cost of advertising each delinquent assessment, will be added thereto. When payment of any assessment is made to said superintendent of streets, he shall write the word "Paid," and the date of payment, opposite the respective assessment so paid, and the names of persons by or for whom said assessment is paid, and shall, if so required, give a receipt therefor. On the expiration of said thirty days, all assessments then unpaid shall be and become delinquent, and said superintendent of streets shall certify such fact at the foot of said assessment roll, and shall add five per cent to the amount of each assessment so delinquent. The said superintendent of streets shall, within five days from the date of said delinquency, proceed to advertise and collect the various sums delinquent, and the whole thereof, including the cost of advertising, which last shall not exceed the sum of fifty cents for each lot, piece, or parcel of land separately assessed, by the sale of the assessed property in the same manner as is or may be provided for the collection of state and county taxes; and after the date of said delinquency, and before the time of such sale herein provided for, no assessment shall be received unless at the same time the five per cent added thereto, as aforesaid, together with the costs of advertising then already incurred, shall be paid therewith. Said list of delinquent assessments shall be published daily for five days in one or more daily newspapers published and circulated in such city, or by at least one insertion in

a weekly newspaper so published and circulated, before the day of sale of such delinquent assessment. Said time of sale must not be less than seven days from the date of the first publication of said delinquent assessment list, and the place must be in or in front of the office of said superintendent of streets. All property sold shall be subject to redemption in the same time and manner as in sales for delinquent state and county taxes; and the superintendent of streets may collect for each certificate fifty cents, and for each deed one dollar. All provisions of the law, in reference to the sale and redemption of property for delinquent state and county taxes in force at any given time, shall also then, so far as the same are not in conflict with the provisions of this act, be applicable to the sale and redemption of property for delinquent assessments hereunder, including the issuance of certificates and execution of deeds. The deed of the street superintendent made after such sale, in case of failure to redeem, shall be prima facie evidence of the regularity of all proceedings hereunder, and of title in the grantee. It shall be conclusive evidence of the necessity of taking or damaging the lands taken or damaged, and of the correctness of the compensation awarded therefor. The superintendent of streets shall, from time to time, pay over to the city treasurer all moneys collected by him on account of any such assessments. The city treasurer shall, upon receipt thereof, place the same in a separate fund, designating such fund by the name of the street, square, lane, alley, court, or place for the widening, opening, or other improvement of which the assessment was made. Payments shall be made from said fund to the parties entitled thereto, upon warrants signed by the commissioners, or a majority of them.

Payments for land and improvements, when and how made.

Sec. 17. When sufficient money is in the hands of the city treasurer, in the fund devoted to the proposed work or improvement, to pay for the land and improvements taken or damaged, and when in the discretion of the commissioners, or a majority of them, the time shall have come to make payments, it shall be the duty of the commissioners to notify the owner, possessor, or occupant of any land or improvements thereon to whom damages shall

have been awarded, that a warrant has been drawn for the payment of the same, and that he can receive such warrant at the office of such commissioners upon tendering a conveyance of any property to be taken; such notification, except in the case of unknown owners, to be made by depositing a notice, postage paid, in the postoffice, addressed to his last known place of abode or residence. If at the expiration of thirty days after the deposit of such notice, he should not have applied for such warrant, and tendered a conveyance of the land to be taken, the warrant so drawn shall be deposited with the county treasurer, and shall be delivered to such owner, possessor, or occupant, upon tendering a conveyance as aforesaid, unless judgment of condemnation shall be had, when the same shall be canceled.

Proceedings to condemn on refusal to accept payment.

Sec. 18. If any owner of land to be taken neglects or refuses to accept the warrant drawn in his favor, as aforesaid, or objects to the report as to the necessity of taking his land, the commissioners, with the approval of the city council, may cause proceedings to be taken for the condemnation thereof, as provided by law under the right of eminent domain. The complaint may aver that it is necessary for the city to take or damage and condemn the said lands, or an easement therein, as the case may be, without setting forth the proceedings herein provided for, and the resolution and ordinance ordering said work to be done shall be conclusive evidence of such necessity. Such proceeding shall be brought in the name of the municipality, and have precedence so far as the business of the court will permit; and any judgment for damages therein rendered shall be payable out of such portion of the special fund as may remain in the treasury, so far as the same can be applied. At any time after trial and judgment entered, or preceding an appeal, the court may order the city treasurer to set apart in the city treasury a sufficient sum from the fund appropriated to the particular improvement to answer the judgment and all damages, and thereupon may authorize and order the municipality to enter upon the land and proceed with the proposed work and improvement. In case of a deficiency in said fund to pay the whole of such judgment and damages, the city council may, in their discretion, order the balance

thereof to be paid out of the general fund of the treasury or to be distributed by the commissioners over the property assessed by a supplementary assessment; but in the last-named case, in order to avoid delay, the city council may advance such balance out of any appropriate fund in the treasury, and reimburse the same from the collections of the assessment. Pending the collection and payment of the amount of the judgment and damages, the court may order such stay of proceedings as may be necessary.

Duty of treasurer on payment of warrants.

Sec. 19. The treasurer shall pay such warrants out of the appropriate fund, and not otherwise, in the order of their presentation; provided, that warrants for land or improvements taken or damaged shall have priority over warrants for charges and expenses, and the treasurer shall see that sufficient money is and remains in the fund to pay all warrants of the first class before paying any of the second.

Supplementary assessments, when may be ordered.

Sec. 20. If after the sale of the property for delinquent assessments there should be a deficiency, and there should be unreasonable delay in collecting the same, or if for the purpose of equalizing the assessments supplying a deficiency, or for any cause it appear desirable, the commissioners may so report to the city council, who may order them to make a supplementary assessment and report the same in manner and form as the original, and subject to the same procedure. If by reason of such supplementary assessment, or for any cause, there should be at any time a surplus, the city council may appropriate the same and declare a dividend pro rata to the parties paying the same, and they, upon demand, shall have the right to have the amount of such pro rata dividends refunded to them, or credited upon any subsequent assessment for taxes made against said parties in favor of said city.

Proceedings to settle defective title.

Sec. 21. If any title attempted to be acquired by virtue of this act shall be found to be defective from any cause, the city council may again institute proceedings to acquire the cause as in this act provided, or otherwise, or may authorize the commissioners to purchase the same and in-

clude the cost thereof in a supplementary assessment as provided in the last section.

Proceedings when boundaries of districts of lands affect the whole city.

Sec. 22. If the city council deem it proper that the boundaries of the districts of lands to be affected and assessed to pay the damages, cost, and expenses of any work or improvement under this act, shall include the whole city, then the commissioners appointed shall proceed in a summary manner to purchase the lands to be taken or condemned from the owners and claimants thereof. If said commissioners and the owners and claimants cannot agree upon the price to be paid for said lands, they shall proceed to view and value the same, and shall thereupon make a summary report to the city council. Upon final confirmation of the report, the city council, if there be not sufficient money available in the city treasury, shall cause the cost and expenses of the contemplated public improvement to be assessed upon the whole of the taxable property of said city, and to be included in and form part of the next general assessment roll of said city, and with like effect in all respects as if the same formed a part of the city, state, and county taxes; and when the same shall have been collected the said city council shall cause the land required to be paid for or the value thereof tendered, and the said contemplated public improvement to be forthwith made and completed. All the provisions of the preceding sections not in conflict with this section shall be applicable thereto.

Use of words "work" and "improvement."

Sec. 23. 1. The words "work" and "improvement," as used in this act, shall include all work mentioned in section one of this act.

Notices to be posted when publication cannot be had.

2. In case there is no daily or weekly or semi-weekly newspapers printed and circulated in the city, then such notices as are herein required to be published in a newspaper shall be posted and kept posted for the length of time required herein for the publication of the same in a weekly newspaper, in three of the most public places in such city. Proof of the publication or posting of any notice provided for herein shall be made by affidavit of

the owner, publisher or clerk of the newspaper or of the poster of the notice.

Construction of words "municipality" and "city."

3. The word "municipality" and the word "city" shall be understood and so construed as to include all corporations heretofore organized and now existing, or hereafter organized, for municipal purpose.

Construction of terms "street superintendent" and "superintendent of streets."

4. The terms "street superintendent" and "superintendent of streets," as used in this act, shall be understood and so construed as to include, and are hereby declared to include, any person or officer whose duty it is, under the law, to have the care or charge of the streets, or the improvement thereof, in any city. In all those cities where there is no street superintendent or superintendent of streets, the city council thereof is hereby authorized and empowered to appoint a suitable person to discharge the duties herein laid down as those of street superintendent or superintendent of streets; and all the provisions hereof applicable to the street superintendent or superintendent of streets shall apply to such persons so appointed.

Construction of term "city council."

5. The term "city council" is hereby declared to include any body or board which, under the law, is the legislative department of the government of any city.

Construction of terms "clerk" and "city clerk."

6. The terms "clerk" and "city clerk," as used in this act, is hereby declared to include any person or officer who shall be clerk of said city council.

Construction of terms "treasurer" and "city treasurer."

7. The term "treasurer" or "city treasurer," as used in this act, shall include any person or officer who shall have charge and make payment of the city funds.

8. No publications or notice other than that provided for in this act shall be necessary to give validity to any proceedings had thereunder.

Proceedings commenced before passage of this act to be continued by resolution of council.

Sec. 24. The proceedings and any work or improvement, such as is provided for in this act, already com-

menced, and now progressing under any other act now in force, or by virtue of any ordinance passed by any city council or board of supervisors of any city, county, or city and county, by virtue of any other act now in force, may, from any stage of such proceedings already commenced and now progressing, be continued under this act by resolution of the city council. The said work or improvement may then be conducted under the provisions of this act with full force and effect in all respects, from the stage of such proceedings under such other acts or ordinances at and from which such resolution shall declare an election or intention to have said work or improvement cease under such other act or ordinance, and continue under this act; and from such election so made, all proceedings theretofore had under such other act or ordinance are hereby ratified, confirmed, and made valid, and it shall be unnecessary to renew or conduct over again proceedings had under such other act or ordinance. This section shall not apply to any work or improvement, proceedings in which were commenced more than eighteen months prior to the passage of this act.

Act to be liberally construed.

Sec.-25. The provisions of this act shall be liberally construed to promote the objects thereof. This act shall take effect and be in force from and after its passage.

ACT 3928.

An act to provide for the laying out, opening, extending, widening, or straightening, in whole or in part, of public streets, squares, lanes, alleys, courts, and places, within municipalities, for the condemnation of property necessary or convenient for such purposes, and for the establishment of assessment districts and the assessment of property therein to pay the expense of such improvement.

[Approved March 24, 1903. Stats. 1903, p. 376.]

The people of the state of California, represented in senate and assembly, do enact as follows:

Section 1. Whenever the public interest or convenience may require, the city council of any municipality shall have full power and authority to order the laying out, opening, extending, widening, or straightening, in whole or in part, of any public street, square, lane, alley, court, or

place within such municipality, and to acquire, by condemnation, any and all property necessary or convenient for that purpose.

Sec. 2. Before ordering any improvement to be made, which is authorized by section one of this act, the city council shall pass an ordinance declaring its intention to do so, describing the improvement, and the land necessary or convenient to be taken therefor, and specifying the boundaries of the district to be benefited by said improvement, and to be assessed to pay the expense thereof, and to be known as the assessment district.

Sec. 3. The street superintendent shall thereupon cause to be conspicuously posted along all streets and parts of streets within the assessment district described in said ordinance, at not more than three hundred feet in distance apart, notices (not less than three in all) of the passage of said ordinance. Said notices shall be headed, "Notice of Public Work," in letters not less than one inch in length, shall be in legible characters, and shall state the fact and date of the passage of said ordinance, and briefly describe the improvement proposed, and refer to said ordinance for further particulars. He shall also cause a notice similar in substance to be published for a period of five days, in a daily newspaper published and circulated in said municipality, and designated by said city council for that purpose, or if there is no such daily newspaper, then by four successive insertions in a weekly newspaper so published, circulated, and designated.

Sec. 4. Any person interested, objecting to said improvement, or to the extent of the assessment district described in said ordinance of intention, may file a written protest with the clerk of the city council, within thirty days after the first publication of the notice required by section three of this act. The clerk shall indorse on every such protest the date of its reception by him, and, at the next regular meeting of the city council after the expiration of the time for filing protests, shall present to said city council all protests so filed with him. If such protests are against the said improvement, and said city council finds that the same are signed by the owners of a majority of the frontage of the property fronting on streets or parts of streets within said assessment district, all further proceedings under said ordinance of intention

shall be barred, and no new ordinance of intention for the same improvement shall be passed within six months after the presentation of such protests to the city council, unless the owners of a majority of the frontage of the property fronting on streets or parts of streets within said assessment district shall in the mean time petition therefor. If such protests are against the improvement, and the council finds that they are not signed by the owners of a majority of the frontage of the property fronting on streets or parts of streets within the assessment district, or if such protests are only against the extent of the assessment district, the council shall hear said protests at said meeting, or at any time to which the hearing thereof may be adjourned, and pass upon the same, and its decision shall be final and conclusive. If such protests are sustained, no further proceedings shall be had under said ordinance of intention, but a new ordinance of intention for the same improvement may be passed at any time. If such protests are denied, the proceedings shall continue as if such protests had not been made. At the expiration of the time within which protests may be filed, if none are filed, or if protests are filed, and after hearing are denied, as above provided, then upon such denial, the city council shall acquire jurisdiction to order the improvement described in the ordinance of intention.

Sec. 5. Having acquired jurisdiction, the city council, shall, by ordinance, order said improvement to be made, and direct an action to be brought by the city attorney, in the proper superior court, in the name of the municipality, for the condemnation of the property necessary or convenient to be taken therefor. Such ordinance need not describe the property to be taken, nor the assessment district, but may refer to the ordinance of intention for all particulars.

Sec. 6. Said action must be brought within sixty days after the passage of the ordinance ordering the improvement, but the council may, by ordinance, extend the time for the bringing of such action. Said action shall, in all respects, be subject to and governed by such rules of the Code of Civil Procedure now existing, or that may be hereafter adopted, as may be applicable thereto, except in the particulars otherwise provided for in this act.

Sec. 7. The complaint shall set forth, or state the effect

of, the ordinance of intention, and the ordinance ordering the improvement, but need not set up any other proceedings had before the bringing of the action. Said ordinances shall be conclusive evidence, in such action, of the public necessity of the proposed improvement, and also that the same is located in the manner which will be most compatible with the greatest public good and the least private injury.

Sec. 8. If a jury is waived by the defendants, or any of them, the court must appoint three disinterested persons referees, to ascertain the compensation to be paid to such defendants waiving a jury. Such referees must be residents of the municipality where such improvement is to be made, and over the age of twenty-one years, and must take and file with the court an oath to discharge their duties faithfully and impartially. If any of such referees fails to qualify, or resigns, or is, or becomes, unable to act, the vacancy so created shall be filled by the court.

Sec. 9. The referees shall at once proceed to view the lands sought to be condemned, and ascertain the compensation proper to be paid to such of the parties interested in each parcel thereof as have waived a jury. They shall have power to examine witnesses under oath, to be administered by any of them, and may have subpoenas issued by the clerk of the court requiring the attendance of witnesses, or the production of evidence before them. They shall, as soon as practicable, make and file with the court a written report of their findings, and also of the number of days spent by them in the matter of such reference, and of their necessary expenses. Any two of such referees who agree thereto, may make such report.

Sec. 10. The referees or jury, as the case may be, shall find separately:

First—The value of each parcel of property sought to be condemned, and all improvements thereon pertaining to the realty, and of each separate estate or interest therein;

Second—If any parcel of property sought to be condemned is only a part of a larger parcel, the damages which will accrue to the portion not sought to be condemned, and to each separate estate or interest therein, by reason of its severance from the portion sought to be condemned, and the construction of the improvement in

the manner proposed by the plaintiff. Such damages must be fixed irrespective of any benefit from such improvement.

Sec. 11. Upon the filing of such report, the court must, on motion of any party, appoint a day for hearing the same. Notice of the time and place of said hearing must be served on all the parties who have answered at least five days before the time appointed. At said hearing, any party to the action may appear and file his exceptions, in writing, to said report, and contest the same. After hearing the report, and any exceptions thereto, the court may confirm the report, or may modify it and confirm it as modified, or may set it aside and order a new report, from the same referees, or from new referees to be appointed. If new referees are appointed, the same proceedings shall be had as upon the first reference.

Sec. 12. Upon confirmation of the report of the referees, and receipt of the verdict of the jury, the court shall make and enter an interlocutory judgment in accordance with such report and verdict, adjudging that upon payment to the respective parties, or into court for their benefit, of the several amounts found due them, as compensation, and of the costs allowed to them, the property involved in the action shall be condemned to the use of the plaintiff, and dedicated to the use specified in the complaint. The court shall allow to the referees, as costs to be paid by the plaintiff, a reasonable compensation for their services, not exceeding five dollars, each, for each day necessarily spent in the matter of the reference, and their necessary expenses.

Sec. 13. An appeal may be taken from such interlocutory judgment within thirty days from the entry thereof, and from any order granting or denying a new trial within ten days after the entry thereof.

Sec. 14. The city council may, at any time prior to the payment of the compensation awarded the defendants, abandon the proceedings, by ordinance, and cause the said action to be dismissed, without prejudice; and if any of the assessments levied to pay the expense of the improvement, as hereinafter provided, shall have been actually paid in money at the time of such abandonment, the same shall be refunded to the persons by whom they were paid.

Sec. 15. Upon the entry of the interlocutory judgment,

the city council shall order the city engineer, or if there be no city engineer, any civil engineer whom it may employ for that purpose, to make and deliver to the street superintendent, a diagram of the improvement and of the property within the assessment district described in the ordinance of intention. Said diagram shall show the land to be taken for the proposed improvement, and also each separate lot, piece, or parcel of land within the assessment district, and the dimensions of each such lot, piece, or parcel of land, and the relative location of the same to the proposed improvement.

Sec. 16. The street superintendent, upon receiving the said diagram, shall proceed to assess the total expense of the proposed improvement upon and against the lands, including the property of any railroad, within said assessment district, except the land to be taken for such improvement, in proportion to the benefits to be received from said improvement. The total expense of the improvement so to be assessed shall include the amounts awarded to the defendants by the interlocutory judgment in the action for condemnation, the compensation and expenses of the referees, as allowed by the court, and all other costs of the plaintiff in such action, the expenses of making the assessment, and all expenses necessarily incurred by said city, in connection with the proposed improvement, for maps, diagrams, plans, surveys, searches and certificates of title to the property to be taken, and all other matters incident thereto.

Sec. 17. The street superintendent shall make the said assessment in writing. Such assessment shall describe each lot, piece, or parcel of land assessed for said improvement, and shall designate each such lot, piece, or parcel of land with an appropriate number. The street superintendent shall also designate each such lot, piece, or parcel of land on said diagram, with the number corresponding with the number thereof in said assessment, and said diagram shall thereupon be attached to and become and be deemed to be a part of said assessment. Such assessment shall show the total sum to be raised thereby, as hereinbefore provided, and also the items of such total sum, and opposite each lot, piece, or parcel of land assessed, the amount assessed thereon, and the name of the owner thereof, if known to the street superintendent.

ent; or if the owner's name is unknown, the word "Unknown" shall be written instead of such name. Any error or mistake in the designation of the owner of any lot, piece, or parcel of land, or in the particulars of his interest therein, shall not affect the validity of the assessment.

Sec. 18. As soon as said assessment is completed the street superintendent shall file the same, with the diagram attached thereto and made a part thereof as aforesaid, with the clerk of the council, who shall give notice of such filing by publication for, at least, ten days in a daily newspaper published and circulated in the city, or if there be no such daily newspaper, by three successive insertions in a weekly newspaper so published and circulated. Said notice shall require all persons interested to file with said clerk their objections, if any they have, to the confirmation of said assessment, within thirty days after the date of the first publication of such notice, which date shall be stated in said notice.

Sec. 19. All objections shall be in writing and shall be filed with said clerk within the time prescribed in the notice required by section eighteen hereof. The clerk shall, at the next regular meeting of the city council after the expiration of the time for filing objections, lay said assessment and all objections so filed with him, before the council; and said council shall hear all such objections at said meeting, or at any other time to which the hearing thereof may be adjourned, and pass upon such assessment, and may confirm, modify, or correct said assessment, or may order a new assessment, upon which like proceedings shall be had, as in the case of an original assessment; or if there be no objections, the council shall, at any regular meeting after the expiration of the time for filing objections, confirm such assessment, and the action of the council upon such objections and assessment shall be final and conclusive in the premises.

Sec. 20. The clerk of the council shall thereupon deliver to the street superintendent the assessment as confirmed by the city council, with his certificate of such confirmation, and of the date thereof. The street superintendent shall thereupon record such assessment and diagram in his office, in a suitable book to be kept for that purpose, and append thereto his certificate of the date of such recording, and such record shall be the assessment

roll. From the date of such recording all persons shall be deemed to have notice of the contents of such assessment roll. Immediately upon such recording, the several assessments contained in such assessment roll shall become due and payable, and each of such assessments shall be a lien upon the property against which it is made.

Sec. 21. The owner of any property assessed, who is entitled to compensation under the award made by the interlocutory judgment, may, at any time after such assessment becomes payable, and before the sale of said property for non-payment thereof, as hereinafter provided, demand of the street superintendent that such assessment, or any number of such assessments, be offset against the amount to which he is entitled under said judgment. Thereupon, if said amount is equal to or greater than such assessments, including any penalties and costs due thereon, the assessments shall be marked "Paid by offset"; and if the said amount is less than the assessments, and any penalties and costs due thereon, the person demanding such offset shall at the same time pay the difference to the street superintendent in money, and the assessments shall, on such payment, be marked paid, the entry showing what part thereof is paid by offset and what part in money. In either case, as a condition of the offset, such person must execute to the city and deliver to the street superintendent duplicate receipts for such part of the amount due him under said interlocutory judgment as is offset against such assessments, penalties, and costs. One of said duplicate receipts shall be filed by the street superintendent in his office, the other shall be filed with the clerk of the superior court, and on such filing, the city shall be entitled to a satisfaction pro tanto of said interlocutory judgment.

Sec. 22. The street superintendent shall, upon the recording of said assessment, give notice, by publication for ten days in a daily newspaper, published and circulated in such municipality, or by three successive insertions in a weekly newspaper, so published and circulated, that said assessment has been recorded in his office, and that all sums assessed therein are due and payable immediately, and that the payment of the said sums is to be made to him within thirty days after the date of the first publication, which date shall be stated in the notice. Said notice

shall also contain a statement that all assessments not paid before the expiration of said thirty days will become delinquent, and that thereupon five per cent upon the amount of each such assessment will be added thereto. When payment of any assessment is made, the street superintendent shall mark opposite such assessment, the word, "Paid," the date of payment, and the name of the person by or for whom the same is paid, and shall, if so requested, give receipt therefor. On the expiration of said period of thirty days, all assessments then unpaid shall become delinquent, and the street superintendent shall certify such fact at the foot of said assessment roll, and mark each such assessment "Delinquent," and add five per cent to the amount of each assessment delinquent.

Sec. 23. The street superintendent shall, within ten days from the date of such delinquency, begin the publication of a list of the delinquent assessments, which list must contain a description of each parcel of property delinquent, and opposite or against each description, the name of the owner as stated in the assessment roll, and the amount of the assessment, penalty, and costs due, including the cost of advertising, which last shall not exceed the sum of fifty cents for each lot, piece, or parcel of land, separately assessed. The street superintendent shall append to and publish with said delinquent list a notice that unless each assessment delinquent, together with the penalty and costs thereon, is paid, the property upon which such assessment is a lien, will be sold at public auction at a time and place to be specified in the notice. The publication must be made for a period of ten days, in some daily newspaper published and circulated in the municipality, or for three weeks in a weekly newspaper so published and circulated. The time of sale must not be less than five days, nor more than ten days, after the expiration of the period of publication of said list, and the place of sale must be in, or in front of, the office of the street superintendent.

Sec. 24. At any time after such delinquency, and prior to the sale of any piece of property assessed and delinquent, any person may pay the assessment on such piece of property, together with the penalty, and costs then due, including the cost of advertising, if such payment is made after the first publication of the list of delinquent

assessments. The street superintendent shall thereupon mark such assessment "Paid," as hereinbefore provided.

Sec. 25. On the day fixed for the sale, the street superintendent must, at the hour of ten o'clock A. M. commence the sale of the property advertised, commencing at the head of the list, and continuing in the numerical order of lots or parcels of land until all are sold; provided, that he may postpone or continue the sale from day to day until all the property is sold. Each lot, piece or parcel of land separately assessed must be offered for sale separately, and the person who will take the least quantity of land, and then and there pay the amount of the assessment, penalty, and costs due, including fifty cents to the street superintendent for a certificate of sale, shall become the purchaser. In case there is no purchaser, for any lot, piece or parcel of land so offered for sale, the same shall be struck off to the municipality, as purchaser, and the city council shall appropriate out of the general fund of the treasury, the amount required for such purchase, and shall order the city treasurer to place the same in the special fund for such improvement. No charge shall be made for the certificate of sale when the municipality is the purchaser.

Sec. 26. After making the sale, the street superintendent must execute, in duplicate, a certificate of sale setting forth a description of the property sold, the name of the owner thereof, as given on the assessment roll, that said property was sold for a delinquent assessment, (specifying the improvement for which the same was made), the amount for which such property was sold, the date of sale, the name of the purchaser, and the time when the purchaser will be entitled to a deed. The street superintendent must file one copy of such certificate in his office, and deliver the other to the purchaser, or if the municipality is the purchaser, to the clerk of the council, who shall file the same in his office. On the filing of the copy of such certificate in the office of the street superintendent, the lien of the assessment shall vest in the purchaser, and is only divested by a redemption of the property, as in this act provided. The street superintendent shall also enter on the assessment roll, opposite the description of each piece of property offered for sale, a description of the part thereof sold, the amount for which the same

was sold, the date of the sale, and the name of the purchaser.

Sec. 27. A redemption of any parcel of property sold for delinquent assessment may be made by any party in interest, at any time prior to the execution and delivery of a deed therefor, by paying to the street superintendent the amount for which the property was sold, and in addition thereto, ten per cent thereon if paid within three months from the date of sale; twenty per cent if paid within six months; thirty per cent if paid within nine months; forty per cent if paid within twelve months, or fifty per cent if paid at any time after twelve months. When redemption is made, the street superintendent shall note that fact on the duplicate certificate of sale on file in his office, and deposit the amount paid with the city treasurer, who shall credit the purchaser named in the certificate of sale with the said amount, and pay the same to such purchaser, or his assignee, upon the surrender of the certificate of sale, and upon satisfactory proof of assignment thereof, if any. When the municipality is the purchaser, the treasurer shall notify the clerk of the council of the redemption, and such clerk shall thereupon cancel the certificate of sale on file in his office.

Sec. 28. At any time after the expiration of twelve months from the date of sale, the street superintendent must execute to the purchaser, or his assignee on his application, if such purchaser or assignee has complied with the provisions of this section, a deed of the property sold, in which shall be recited substantially the matters contained in the certificate, also any assignment thereof, and the fact that no person has redeemed the property. The street superintendent shall receive from the applicant for a deed, one dollar for making such deed, unless the municipality is the purchaser, in which case no charge shall be made therefor. The purchaser or his assignee must, at least thirty days before he applies for a deed, serve upon the owner of the property, and upon the occupant of such property, if the same is occupied, a written notice, setting forth a description of the property that said property has been sold for a delinquent assessment (specifying the improvement for which the same was made), the amount for which it was sold, the amount necessary to redeem at the time of giving notice, and the time when such purchaser or assignee will apply to the street

superintendent for a deed. If the said owner cannot be found, after due diligence, said notice must be posted in a conspicuous place upon said property, at least thirty days before the time stated therein, at which the application for a deed will be made. The person applying for a deed must file with the street superintendent an affidavit or affidavits showing that notice of such application has been given, as herein required, and if the notice was not served on the owner of the property personally, that due diligence was used to find said owner; which affidavit or affidavits must be filed by the street superintendent in his office. If redemption of the property is made after such affidavits are filed, and more than eleven months from the date of sale, the person making such redemption must pay, in addition to the other amounts required, three dollars for the service of notice and the making of such affidavits, which amount shall be paid over to the purchaser or his assignee in the same manner as other sums paid for redemption. No deed for any property sold for delinquent assessment shall be made until the purchaser or his assignee has complied with all the provisions of this section, and filed the proper affidavits with the street superintendent.

Sec. 29. The deed of the street superintendent shall be prima facie evidence of the truth of all matters recited therein, and of the regularity of all proceedings prior to the execution thereof, and of title in the grantee.

Sec. 30. The street superintendent shall, from time to time, pay over to the city treasurer all moneys collected by him on account of any assessments made under the provisions of this act. The city treasurer shall, on receipt thereof, place the same in a special fund, designating such fund by the name of the improvement for which the assessment was made.

Sec. 31. As soon as there is sufficient money in the hands of the city treasurer, in the special fund devoted to the proposed improvement, to pay the amounts awarded to the defendants by the interlocutory judgment in the action of condemnation, or such parts thereof as have not been paid by offset against assessments, as hereinbefore provided, the said amounts shall be paid to the parties entitled thereto, or into court for their benefit. On satisfactory proof being made to the court of payment of the amounts

awarded by the interlocutory judgment, to the respective parties entitled thereto, or into court for their benefit, it shall direct the interlocutory judgment to be satisfied, and shall make and enter a final judgment, condemning the lands described in the complaint to the use of the plaintiff for the purposes specified in such complaint.

Sec. 32. In case of a deficiency in the fund for such improvement, the city council, in its discretion, may provide for such deficiency by an appropriation out of the general fund of the treasury, or by ordering a supplementary assessment to be made by the street superintendent upon the property in said assessment district in the same manner and form, and subject to the same procedure as the original assessment, and in the last named case, in order to avoid delay, the city council may advance such deficiency out of the city treasury and reimburse the treasury from the collections under such supplementary assessment. In case of a surplus in the fund for such improvement, the city council may order such surplus refunded pro rata to the parties who paid the assessments.

Sec. 33. The following words and phrases shall, where used in this act, have the following meanings:

(1) The term "improvement," includes all the improvements mentioned in section one of this act.

(2) The terms, "municipality" and "city," include all incorporated cities, cities and counties, and other corporations organized for municipal purposes.

(3) The terms, "city council" and "council," include any body or board in which by law is vested the legislative power of any municipality.

(4) The terms, "clerk" and "city clerk," include any person or officer who acts as clerk of said city council.

(5) The terms, "treasurer" and "city treasurer," include any person or officer who has charge and makes payment of the city funds.

(6) The term, "street superintendent," includes any person or officer whose duty it is by law to have the care or charge of streets or the improvement thereof, in any city. In any city where there is no street superintendent, the city council is hereby authorized to appoint a suitable person to discharge the duties of street superintendent, as provided in this act, and all the provisions hereof ap-

plicable to the street superintendent shall apply to the person so appointed.

Sec. 34. In case there is no daily or weekly newspaper published and circulated in the city, then such notices and delinquent lists as are herein required to be published in a newspaper shall be posted in three of the most public places in such city, for the length of time required herein for the publication of the same in a weekly newspaper. No publication or notice other than that provided in this act shall be necessary to give validity to any proceedings had thereunder.

Sec. 35. Proof of publication of any notice required by this act shall be made by affidavit, as provided in the Code of Civil Procedure, and proof of the posting of any such notice shall be made by the affidavit of the person posting the same, setting forth the facts regarding such posting. It shall be the duty of any officer who is required by this act to have any notice published or posted, to obtain and file in his office the affidavit or affidavits in proof thereof; provided that his failure so to do shall not affect the validity of any proceedings under this act. Any such affidavit so filed shall be prima facie evidence of the facts therein stated regarding such publication or posting.

Sec. 36. This act shall in no wise affect an act entitled, "An act to provide for laying out, opening, extending, widening, straightening, or closing up, in whole or in part, any street, square, lane, alley, court, or place within municipalities, and to condemn and acquire any and all land and property necessary or convenient for that purpose," approved March 6, 1889, or amendments thereto, or any other acts on the same subject, or apply to proceedings had thereunder, but it is intended to and does provide an alternate system of proceedings for making the improvements provided for by this act; and it shall be within the discretion of the city council of any municipality to proceed in making such improvements, either under the provisions of this act, or under the provisions of such other acts; but when any proceedings are commenced under this act, the provisions of this act, and of such amendments thereof as may be hereafter adopted, and no other, shall apply to all such proceedings, and any provisions contained in said acts or any acts in conflict with the provisions hereof shall be void and of no effect as to the

proceedings commenced under the provisions of this act. The election of the city council to proceed under the provisions of this act shall be expressed in its ordinance of intention to order the work done.

Sec. 37. The provisions of this act shall be liberally construed to promote the objects thereof. This act may be designated and referred to as the "Street Opening Act of 1903," and shall take effect and be in force upon its passage and approval.

ACT 3929.

An act to provide for local improvements upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities, such act to be known as "The Local Improvement Act of 1901."

[Became a law under constitutional provision without governor's approval, February 26, 1901. Stats. 1901, p. 24.]

The people of the state of California, represented in senate and assembly, do enact as follows:

Section 1. All streets, lanes, alleys, places, or courts in the municipalities of this state, now open or dedicated, or which may hereafter be opened or dedicated to public use, shall be deemed and be held to be open public streets, lanes, alleys, places, or courts, for the purposes of this act, and the legislative body of each municipality is hereby empowered to establish and change the grades of said streets, lanes, alleys, places, or courts, and fix the width thereof, and is hereby invested with jurisdiction to order to be done thereon any of the work mentioned in section two of this act, under the proceedings hereinafter described.

Sec. 2. Whenever the public interest or convenience may require, the legislative body is hereby authorized and empowered to order the whole, or any portion, either in length or width, of the streets, avenues, lanes, alleys, courts, or places of any such municipality graded or regraded to the official grade, planked or replanked, paved or repaved, macadamized or remacadamized, graveled or regraveled, piled or repiled, capped or recapped, sewerred or resewered, supplied or resupplied with drains for storm-water or other purposes, and to order sidewalks, park-

ways, manholes, catch-basins, culverts, cesspools, gutters, tunnels, curbing, and cross-walks to be constructed therein, or to order breakwaters, levees, or walls of rock, or other material, to protect the same from overflow or injury, and to order any other work to be done which shall be necessary to complete the whole or any portion of said streets, avenues, sidewalks, lanes, alleys, courts, or places, and it may order any of the said work to be improved, and also to order a sewer or sewers, with outlets, for drainage or sanitary purposes, in, over, or through any right of way granted or obtained for such purpose; and to provide for the maintenance of any such work.

Sec. 3. Before ordering any work done or improvement made, which is authorized by section two of this act, the legislative body shall pass a resolution referring the proposed work to the city engineer, if there be one, and, if not, to some civil engineer employed by them for the purpose and named in the resolution, and instructing him to make to the legislative body a report in writing, containing his recommendations as to the best method of doing said work or of making said improvement, to which report shall be attached the exhibits hereinafter referred to.

Sec. 4. Thereafter, the said engineer shall file with the clerk of the municipality the report called for by section three above, and annex thereto the following exhibits, to wit:

1. A description of the work to be done; said work may include one or more streets in the same proceeding;

2. A description of the exterior boundaries of the district which will be benefited by the proposed improvement and should be specially assessed to pay the cost thereof;

3. Plans, profiles, cross-sections and specifications of the work required in order to accomplish said improvement;

4. An estimate of the expense of said improvements, deducting therefrom the estimated cost of so much, if any, of said improvements as may be by law required to be done by railroads having tracks upon the streets affected;

5. A map showing the district above referred to, and also the subdivisions of the property within said district, as ascertained by said engineer, each of which subdivisions shall be given upon said map a separate number in red ink;

6. A list referring to the said subdivisions upon said map by the respective red ink numbers thereof, and showing the names of the owners, if known, otherwise designating them as unknown, and the valuations of said respective subdivisions, as the same appear upon the last assessment roll of said municipality, if they so appear, otherwise as estimated by said engineer, also the dimensions, areas, and his estimates of the benefits which the respective parcels will receive from said improvement;

7. An estimate of all incidental expenses likely to be incurred in connection with the work, such as clerical, engineering, inspection, printing and advertising.

Sec. 5. After the report of the engineer provided for in the next preceding section has been filed with the clerk of the municipality, the legislative body of said municipality shall consider the same and shall have power, by resolution, to adopt the same as filed by said engineer, or as modified by the legislative body, and levy the assessment accordingly, but the same shall not constitute a lien until all parties interested have had an opportunity to be heard as hereinafter provided; in the same resolution the legislative body shall set forth the following:

1st. The rate of interest to be charged upon deferred payments;

2d. The time to be allowed upon deferred payments;

3d. The rate of interest to be allowed upon bonds issued to cover deferred payments;

4th. The time for which bonds issued to cover deferred payments are to run;

5th. The day and hour when and where any and all persons may appear before the legislative body and show cause, if any they have, why said improvement provided for in said resolution should not be carried out in accordance therewith; said time to be not less than thirty nor more than sixty days from the date of passage of said resolution;

6th. A description of the exterior boundaries of the district declared by the legislative body to be benefited by the proposed improvement and assessed to pay the costs and expenses thereof.

The rate of interest above referred to shall not exceed seven per cent, and in the same resolution the legislative

body shall provide, if they so determine, that the work covered by said resolution shall include maintenance thereof for a stated number of years to be fixed by said resolution.

Sec. 6. After the passage of the resolution mentioned in section five hereof there shall be conspicuously posted in three of the most public places within the municipality, and also along the street frontages of all the real property within the district, at not more than one hundred feet in distance apart, notices of the hearing provided for in section five; said notices shall be headed, "Notice of Local Improvement," in letters of not less than one inch in length, and shall in legible characters state the fact of the passage of the resolution mentioned in section five, and briefly describe the work or improvement proposed, and refer to said resolution for further particulars; said notice shall also state the date, hour and place for which the said hearing has been set, and shall notify all parties interested in any real estate within the limits of said district then and there to show cause, if any they have, why the said improvements proposed in said resolution should not be carried out in accordance therewith; said notice shall also contain a description of the district covered by the resolution by the exterior boundaries thereof, said description to be in bold-face type; said notices must be posted at least twenty days before the time set for the hearing, and must be published twice in some newspaper of general circulation, published within the municipal corporation in which the improvements are to be made, at least ten days before the date of hearing.

Sec. 7. At the time named in the notice hereinbefore provided for for said hearing there shall be filed with the legislative body an affidavit that the notice has been posted as hereinbefore provided for, and an affidavit of the printer or publisher of the newspaper in which said notice has been published that the same has been published as hereinbefore provided for, and the legislative body, before proceeding with said hearing, shall have entered upon the minutes of the meeting an order reciting that notice of said hearing has been posted and published according to law, and such recitals shall be conclusive evidence of the facts therein recited, and the legislative body shall thereupon proceed with the hearing of any objec-

tions which shall have been made in writing and filed with the clerk of the municipality not later than the hour for hearing named in said notice, and no other objections shall be considered. Said hearing may be continued from time to time by the legislative body, and all parties interested shall be deemed to have notice of said continuances. All objections must be in writing, must contain a description of the property in which the objector is interested, and set forth the nature of his title thereto or interest therein, and must state the objector's grounds of opposition, and must be signed and verified by the objector himself, or his attorney in fact, and objections which do not comply with these requirements shall not be considered by the said legislative body.

Sec. 8. At the close of the hearing provided for in the preceding section, the legislative body shall pass a resolution setting aside, modifying, or confirming the resolution provided for in section five hereof, and where the same is confirmed or modified, the lien of the assessment provided for therein shall immediately become attached to the respective parcels of land in accordance with said confirmed or modified resolution.

Sec. 9. Any action to contest an assessment levied by the legislative body of any municipality under the terms of this act must be commenced within thirty days after the entry upon the minutes of such legislative body of the resolution provided for in the preceding section hereof; and any appeal from a final judgment in such an action must be perfected within thirty days after the entry of such judgment.

Sec. 10. After the expiration of thirty days from the passage of the resolution provided for in section eight hereof, the clerk of the municipality shall transmit to the tax collector of the municipality the map and list provided for in subdivisions five and six, respectively, of section four hereof, and any modification made by the legislative body therein; provided, however, if any actions have been brought within thirty days after the passage of the resolution referred to in section eight, such transmission shall be postponed until such actions have been finally determined.

Sec. 11. Upon the receipt of the map and list referred to in the last preceding section, the tax collector of the

municipality shall record the same in a substantial book to be kept for that purpose in his office. Said book shall also be ruled with appropriate columns, in which the tax collector shall extend the amounts of all installments of principal and interest and deferred payments, and each of said columns shall be provided with a space in which he shall make record of the fact and date of all payments received by him; and there shall also be a column in which shall be entered a reference by volume and page to the respective agreements under which said deferred payments are made.

Sec. 12. The tax collector of the municipality shall thereupon fix a day, not less than thirty nor more than forty days from the date of the receipt by him of the map and list transmitted to him under the provisions of section ten hereof, which day shall be the last day for cash payments; and also shall fix a day for the sale of the various parcels of land within said district, which said day shall be not less than forty nor more than sixty days from the receipt by him of the map and list transmitted to him under the provisions of section ten hereof; notice thereof shall be given in conformity with the general laws of the state of California providing for notice of sale of real estate upon execution, and shall be posted and published in the same manner as such notices; provided, however, that the descriptions of the various parcels need not be set out at length, but only by the respective numbers of the same, as the same appear upon the assessment and diagram, which shall be properly referred to in said notice; which shall be in one writing, containing all of said descriptions.

Sec. 13. At the time and place fixed for the sale of said property by the terms of the notice referred to in the last section, the tax collector shall sell the respective parcels of land within said district, the assessments against which have not been paid or bonded against as hereinafter provided, or so much of each parcel as shall be necessary to realize the amount assessed against such parcel and its proportion of the expenses of sale, in the order of their numbers upon the map provided for in subdivision five of section four hereof, at which sale the municipality may be a purchaser; provided, however, if at or before the time fixed in the notice of sale the owner of any

parcel shall file with the tax collector a written agreement, waiving all objections, of whatsoever kind or nature, against the assessment and all proceedings with reference to the same, and undertaking to pay the assessment on his parcel in yearly installments not to exceed ten in number, the first of which shall be paid at the time said agreement is filed, and the others annually thereafter, one each year, at the time when the first installment of municipal taxes within said municipality is payable, with interest on all deferred payments at the rate of — per cent per annum, being the same rate fixed by the resolution provided for in section five above for deferred payments, payable at the same time as the installments of principal, then, and in that event, the tax collector shall mark upon the record of the assessment, opposite the respective descriptions or numbers of such parcels, memoranda to the effect that time has been given; said waivers and undertakings shall be taken upon printed forms provided by the tax collector, bound in a substantial book and kept among the records of his office; said agreements shall contain a provision to the effect that in case of default in payment of any installment of principal provided for therein, or interest accrued on deferred payments, at the time called for by said agreements, then, in that event, the entire remaining unpaid installments shall become immediately due and payable, and the tax collector shall then forthwith, upon twelve days' written notice mailed to the last known address of the party, sell the property covered by the delinquent payment to realize the entire unpaid balance of said installments, with accrued interests and costs of sale; provided, the same have not been paid before the expiration of said twelve days. At such sale the municipality may be a bidder; said agreement shall provide that the entire unpaid balance may be paid at any time before maturity, together with interest on all deferred payments, until the date of maturity of the installment of principal next falling due.

Sec. 14. The tax collector shall issue for each sale an original and duplicate certificate of sale, referring to the proceedings, describing the parcels sold, and containing the name of the purchaser; the originals he shall deliver to the purchaser, and the duplicates he shall keep on file in his office in the form of stubs in a certificate book.

Sec. 15. If the property sold as provided in the above proceedings be not redeemed within one year after the sale, the tax collector shall then issue to the party named in the original certificate, or his assignee, a deed of the property described in said certificate, which said deeds shall refer, in general terms, to the proceedings under which the same is issued, and shall contain a description of the property, following the description in the certificate; the grantee of such deed is, immediately upon receipt thereof, entitled to possession of the property described therein.

Sec. 16. At any time before the expiration of the year above provided for, in which redemption may be made, any property sold under the provisions of the preceding sections may be redeemed by the payment to the tax collector of the amount for which the property was sold, with an additional penalty of twenty-five per cent of the amount for which the same was sold; all redemption money shall be paid by the tax collector to the persons holding the respective original certificates of sale, upon their delivering up the same, and receipting for the amount received from the tax collector therefor.

Sec. 17. The said funds collected by the tax collector under the proceedings herein provided for, either upon voluntary payment or as the result of sales, shall be paid by said tax collector, as fast as collected, to the treasurer of said municipality, who shall enter the same in a special fund designated by reference to the number of the proceeding, and shall be paid out only for purposes provided for in this act.

Sec. 18. After all sales above provided for have been made, the tax collector shall report to the legislative body of the municipality the amount of cash collections and the amount of installment agreements taken; at any time thereafter the legislative body may order bonds issued against the said special local improvement fund, in such denominations and on such terms, not to exceed ten years, and at such rate of interest, not to exceed seven per cent per annum, as they shall have designated in said proceedings, the aggregate of such bonds not to exceed the amount of the installment agreements taken, as above set forth; the form of such bonds shall be substantially as follows:

"LOCAL IMPROVEMENT BOND.

"District No. —.

"§ —.

No. —.

"Under and by virtue of an act of the legislature of the state of California" (title of this act) "the" (insert the legal title of the municipality) "out of the fund hereinafter referred to, will pay to the bearer the sum of \$— United States gold coin of the same weight and fineness as that now issued from the mints of the United States of America, with interest thereon, in like gold coin, at the rate of — per cent per annum, all as hereinafter specified, and at the office of the treasurer of said municipality.

"This bond is payable exclusively from street improvement fund number —" (here insert designation of special fund, as same is identified on the books of the treasurer of the municipality, as provided in section nineteen of this act), "and neither the municipality nor any officer thereof shall be holden for payment otherwise of its principal or interest; and installments of principal and interest accruing hereon shall be payable out of any moneys in said fund at the date of their maturity, in order of presentation, and shall be secured by all agreements and liens provided for by this act and arising out of the improvement to which said fund relates. The term of this bond is — years from its date, and, at the expiration of said time, the whole sum then unpaid shall be due and payable; but on the second day of January of each year after its date, an even annual proportion of its whole amount is due and payable, upon the presentation of the coupon therefor, until the whole is paid, with all accrued interest, at the rate of — per cent per annum. The interest is payable semi-annually, to wit: On the second days of January and July in each year hereafter, upon the presentation of the coupons therefor, the first of which is for the interest from date to the next second day of —, and thereafter the interest coupons are for semi-annual interest, except the last, which is for interest from the semi-annual payment next preceding and to the date of the final maturity of this bond. Should default be made in the annual payment upon the principal, or in any payment of interest, the holder of this bond is entitled to declare the whole unpaid amount to be due and payable, and to have all liens

and agreements, which are security for said fund and are then enforceable, immediately enforced in payment thereof. The principal hereof may be paid, at the option of said municipality, at any time before maturity. Notice of such redemption must be published by the treasurer of said municipality once in some newspaper of general circulation, published in said municipality, or at the county seat of the county in which the same is located, and, at the expiration of one month from said publication, interest on all principal sums covered by such notice shall cease.

"At said — of — the — day of — in the year one thousand — hundred and —.

Insert title of (presiding officer of the legislative body).

"Treasurer of the" (name of municipality).

Said bonds shall be signed by the presiding officer of the legislative body of the municipality and countersigned by the treasurer of said municipality, and the seal of the municipality shall be affixed thereto. Said coupons shall be signed by the treasurer of the municipality, and his signature thereto may be by lithograph.

Said bonds shall then be sold at not less than par to the highest bidder, for cash in United States gold coin; the proceeds shall be paid into the said special local improvement fund in the treasurer's hands.

Sec. 19. At any time after the funds for the work, or any part of the work, are actually in the hands of the treasurer, the legislative body may let the contract, or contracts, for such work, or the respective parts thereof; all contracts shall be let to the lowest responsible bidder, after notice published in some newspaper of general circulation published within the municipality, for two insertions, a week apart; or if there be no such newspaper, then by such posting as the legislative body may provide.

Every bid shall be accompanied by the certified check amounting to ten per cent of the bid, payable to the order of the presiding officer of the legislative body of the municipality, and the same shall be forfeited to the municipality in case the bidder depositing the same do not, within ten days after written notice that the contract has been awarded to him, enter into a contract with the municipality for the work, the faithful performance of which shall be secured by an undertaking in such penal sum as the legis-

lative body shall require, and with sureties satisfactory to said body; when such contract and bond have been entered into, said check shall be returned to the successful bidder; the unsuccessful bidders shall receive their checks upon notice of rejection of their bids; and the legislative body may require, and, if so, it must be stated in the original resolution and petition and in the notice for bids, that the contractor to whom the work is awarded shall furnish the municipality with a bond in such sum and with such responsible surety corporation (legally qualified to carry on business in the state of California), as guarantor, as shall be approved by said legislative body, conditioned that the said contractor shall maintain free from all defects, except such as may result from ordinary wear and tear, the work contracted for and performed for such period as may be designated by said legislative body.

The contract must provide that the work be done, and the work must be done, strictly in accordance with the plans and specifications provided for in section four of this act, as modified by the resolution provided for in section five of this act; the contract must contain provisions making it comply with the terms of all statutes of the state of California in force at the time of the making of the contract, with reference to employment, hours and wages of labor.

The work must be done under the supervision of the superintendent of streets of the municipality, or such deputy or deputies as the legislative body shall appoint for the purpose.

No work shall be paid for until it has been accepted by the legislative body. Whenever the contractor desires the work or part thereof to be accepted he must make written application to that effect to the legislative body of the municipality. Upon the filing of such application for acceptance, the clerk of the municipality shall give at least five days' notice by publication within the municipality or by posting upon the premises affected, as the legislative body shall determine, that at a certain time to be named in said notice the legislative body of the municipality will hear and consider any objections to the acceptance of the work or part of the work for the acceptance of which said contractor has made such application, and only after such hearing shall any work be accepted. If upon such

hearing objections to the acceptance are made and held by the legislative body to be good, the legislative body must require the contractor to take such steps as will remove such objections, and in the event of his failure to do so within such time as the legislative body shall prescribe, the legislative body may relet such portion of the work and charge the contractor the cost thereof together with all expenses incident to said reletting, and retain the same out of any moneys due or to become due to him under the contract, and also hold him and his sureties responsible therefor upon his bond.

The work must be commenced and completed within such time as the legislative body shall prescribe. If the contractor abandon the work, or fail to proceed with the same as rapidly as required by his contract, the legislative body may relet the work and pay the cost of the same out of any funds due or to grow due the contractor, and also any expenses incidental to the reletting, and also hold him and his sureties responsible for the same upon his bond, and also for any damages resulting from such abandonment.

Sec. 20. In case the first assessment for any local improvement prove insufficient, a second may be made in the same manner as nearly as may be, except that no protest shall be entertained upon subject matter already decided in the first hearing, and so on until sufficient money shall have been realized to pay for such local improvement.

Sec. 21. If at any time an assessment for any local improvement shall realize a larger sum than is necessary for such improvement, the excess shall be refunded upon warrant on the treasurer, authorized by the legislative body, pro rata, to the parties by whom it was paid; and, in the case of installment assessments, shall be credited on the unpaid installments, beginning with the one due at the latest date.

Sec. 22. All special assessments levied under this act shall, from the date of confirmation as provided in section eight hereof, be a lien upon the real estate upon which they are imposed, paramount to all other liens, except prior assessments and general taxes, and such lien shall continue until such special assessments are paid; and all parties shall have constructive notice of such lien from

the date of entry of the resolution referred to in section eight above.

Sec. 23. Whenever the majority of frontage between any two consecutive crossings upon any of the public ways mentioned in section one of this act, has been improved, the legislative body may compel the remainder of said frontage between said crossings to be similarly improved without other proceedings than those provided for in this section as follows, to wit: The legislative body shall pass a resolution ordering said work to be done, briefly describing the work and the property in front of which the work is to be done, and fixing a time when objections to the doing of said work will be heard by said legislative body, which said time shall be not less than two weeks nor more than thirty days from the date of the passage of the resolution; at least ten days before the time named in said resolution for said hearing the clerk of the municipality shall mail a copy of said resolution to the person or persons to whom the property in front of which the said work is to be done is assessed upon the last preceding assessment roll of such municipality, at their addresses if known, otherwise addressed to them care of the United States postoffice in the municipality, shall personally serve upon the person or persons in possession of the premises, if the same be occupied, and shall post a copy of the same in a conspicuous place upon the said premises, and the certificate of said clerk to the effect that said mailing, posting and service has been done shall be filed with the legislative body and entered upon their minutes, and said entry shall constitute conclusive evidence of the facts stated in said certificate; at the time named in said resolution said legislative body shall meet and consider any objections which may be made to the doing of said work; if there are no objections or if the legislative body overrule the same, the legislative body shall then pass a resolution ordering said work to be done; if within ten days after the passage of the last named resolution satisfactory evidence be not produced to the legislative body that the said work is to be immediately done by private contract the legislative body may advertise for bids for such work by such publication or posting as they shall deem necessary and let the work to the lowest responsible bidder, and pay for the same out

of the general fund or any other fund available for the purpose; the entire cost of such work together with the expenses incidental to the proceedings therefor shall be charged against the property in front of which the same has been done; the clerk of the municipality shall immediately upon the completion and acceptance of the work file an itemized statement of said charge with the recorder of the county in which the municipality is located, and thereupon the said charge shall become a lien upon the property affected, which said lien shall relate back to the date of the passage of the original resolution first above mentioned and shall be continued upon such property until the same is paid in full with interest at seven per cent from the date of the record of said statement; and the municipality shall have power to enforce said lien by foreclosure suit and sell said property for the satisfaction thereof.

Sec. 24. This act shall be known as "The Local Improvement Act of 1901" and shall take effect and be in force upon its passage and approval.

Sec. 25. This act shall in no wise affect an act entitled "An act to provide for work upon streets, lanes, alleys, courts, places and sidewalks, and for the construction of sewers within municipalities," approved March eighteenth, eighteen hundred and eighty-five, or amendments thereto, or an act entitled "An act to provide a system of street improvement bonds to represent certain assessments for the cost of street work and improvement within municipalities, and also for the payment of said bonds," approved February twenty-seventh, eighteen hundred and ninety-three; or any of said acts; but is intended to and does provide an alternate system of proceedings for public improvements, and it shall be within the discretionary power of the legislative body of any municipality to proceed in making such improvements, either under the provisions of this act, or under the provisions of the other said acts, but when any proceedings are commenced under this act the provisions of this act, and such amendments thereto as may hereafter be adopted, and no other, shall thereafter apply to all such proceedings; but any provision contained in said or any other acts in conflict with provisions hereof shall be void as to and of no effect upon proceedings commenced under the provisions of this act.

ACT 2920.

An act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities.

[Approved March 18, 1885. Stats. 1885, p. 147.]

Amended 1887, 148; 1889, 157; 1891, 116, 196, 461; 1893, 88, 89, 172; 1899, 23; 1903, 88.

Cal.Rep.Cit. 69, 486; 73, 75; 76, 453; 82, 190; 86, 108;
 86, 467; 87, 216; 87, 217; 87, 219; 87, 580; 88, 570;
 88, 571; 90, 38; 90, 39; 90, 40; 90, 613; 93, 404;
 96, 185; 96, 186; 96, 187; 96, 188; 96, 189; 96, 398;
 97, 808; 97, 310; 97, 812; 97, 814; 97, 817; 98, 11;
 98, 430; 99, 295; 99, 517; 99, 521; 102, 236; 102, 406;
 102, 417; 102, 423; 102, 651; 103, 54; 103, 55; 103, 60;
 103, 66; 103, 78; 103, 175; 103, 529; 104, 458; 105, 184;
 107, 234; 107, 429; 107, 430; 107, 431; 107, 496; 108, 35;
 108, 169; 112, 591; 115, 228; 117, 319; 117, 322; 119, 591;
 121, 315; 121, 435; 121, 682; 122, 541; 126, 218; 127, 498;
 128, 143; 128, 378; 129, 274; 130, 470; 134, 423; 136, 148;
 136, 149; 136, 249; 138, 125; 138, 126; 138, 128.

AMD'T 1889.

Cal.Rep.Cit. 97, 314; 99, 388; 102, 236; 102, 237; 102, 407;
 102, 417; 102, 650; 103, 64; 103, 66; 103, 529; 105, 249;
 107, 234; 111, 29; 114, 154; 117, 319.

AMD'T 1891.

Cal.Rep.Cit. 104, 341; 106, 499; 114, 154; 117, 319; 120, 624;
 121, 435; 122, 541; 123, 205; 128, 115; 129, 274; 129, 383;
 132, 149; 132, 151; 134, 250; 135, 663; 136, 378.

AMD'T 1893.

Cal.Rep.Cit. 102, 417; 102, 423; 106, 158; 126, 444; 128, 129;
 138, 123; 138, 124; 138, 129; 138, 130.

See *Thomason v. Ruggles*, 69 Cal. 465, and *Oakland Pav. Co. v. Hilton*, Id. 479.

The people of the state of California, represented in senate and assembly, do enact as follows:

Part I.

Section 1. All streets, lanes, alleys, places, or courts, in the municipalities of this state now open or dedicated, or which may hereafter be opened or dedicated to public use, shall be deemed and held to be open public streets, lanes, alleys, places, or courts, for the purposes of this act, and the city council of each municipality is hereby empowered to establish and change the grades of said streets, lanes, alleys, places, or courts, and fix the width thereof, and is hereby invested with jurisdiction to order to be done thereon any of the work mentioned in section two of this act, under the proceedings hereinafter described.

Sec. 2. Whenever the public interest or convenience may require, the city council is hereby authorized and empowered to order the whole, or any portion, either in length or width, of the streets, avenues, lanes, alleys, courts, or places of any such city graded or reggraded to the official grade, planked or replanked, paved or repaved, macadamized or remacadamized, graveled or reggraveled, piled or repliled, capped or recapped, sewerred or resewered, and to order sidewalks, manholes, culverts, cesspools, gutters, tunnels, curbing, and crosswalks to be constructed therein, or to order breakwaters, levees, or walls of rock, or other material, to protect the same from overflow or injury, and to order any other work to be done which shall be necessary to complete the whole or any portion of said streets, avenues, sidewalks, lanes, alleys, courts, or places and it may order any of the said work to be improved; and also to order a sewer or sewers, with outlets, for drainage or sanitary purposes, in, over, or through any right of way granted or obtained for such purpose; provided, that whenever the grade of a street, avenue, lane, alley, court, or place shall hereafter be changed, the petition of the owners of a majority of the feet fronting thereon, asking for grading the same to the new grade, shall be a condition precedent to the ordering of such grading to be done. [Amendment approved March 11, 1893. Stats. 1893, p. 172.]

Sec. 3. Before ordering any work done or improvement made, which is authorized by section two of this act, the city council shall pass a resolution of intention so to do, and describing the work, which shall be posted conspicuously for two days on or near the chamber door of said council, and published by two insertions in one or more daily, semi-weekly, or weekly newspapers published and circulated in said city, and designated by said council for that purpose. The street superintendent shall thereupon cause to be conspicuously posted along the line of said contemplated work or improvement, at not more than one hundred feet in distance apart, but not less than three in all, or when the work to be done is only upon an entire crossing or any part thereof, in front of each quarter block and irregular block liable to be assessed, notices of the passage of said resolution. Said notice shall be headed "Notice of Street Work," in letters of not less than

one inch in length, and shall, in legible characters, state the fact of the passage of the resolution, its date, and briefly the work or improvement proposed, and refer to the resolution for further particulars. He shall also cause a notice, similar in substance, to be published for six days in one or more daily newspapers published and circulated in said city, and designated by said city council, or in cities where there is no daily newspaper, by one insertion in a semi-weekly or weekly newspaper so published, circulated and designated. In case there is no such paper published in said city, said notice shall be posted for six days on or near the chamber-door of said council, and in two other conspicuous places in said city, as hereinafter provided. The owners of a majority of the frontage of the property fronting on said proposed work or improvement, where the same is for one block or more, may make a written objection to the same within ten days after the expiration of the time of the publication and posting of said notice, which objection shall be delivered to the clerk of the city council, who shall indorse thereon the date of its reception by him, and such objections so delivered and indorsed shall be a bar for six months to any further proceedings in relation to the doing of said work or making said improvements, unless the owners of the one-half or more of the frontage, as aforesaid, shall meanwhile petition for the same to be done. At any time before the issuance of the assessment roll, all owners of lots or lands liable to assessment therein, who, after the first publication of said resolution of intention, may feel aggrieved, or who may have objections to any of the subsequent proceedings of said council in relation to the performance of the work mentioned in said notice of intention, shall file with the clerk a petition of remonstrance, wherein they shall state in what respect they feel aggrieved, or the proceedings to which they object; such petition or remonstrance shall be passed upon by the said city council, and its decision therein shall be final and conclusive. But when the work or improvement proposed to be done is the construction of sewers, manholes, culverts, or cesspools, crosswalks, or sidewalks, and curbs, and the objection thereto is signed by the owners of a majority of the frontage liable to be assessed for the expense of said work, as aforesaid, the said city council

shall, at its next meeting, fix a time for hearing said objections, not less than one week thereafter. The city clerk shall thereupon notify the persons making such objections, by depositing a notice thereof in the postoffice of said city, postage prepaid, addressed to each objector, or his agent, when he appears for such objector. At the time specified said city council shall hear the objections urged, and pass upon the same, and its decisions shall be final and conclusive, and the said bar for six months to any further proceedings shall not be applicable thereto. And when not more than two blocks, including street crossings, remain ungraded to the official grade, or otherwise unimproved, in whole or in part, and a block or more on each side upon said street has been so graded or otherwise improved, or when not more than two blocks at the end of a street remain so ungraded or otherwise unimproved, said city council may order any of the work mentioned in this act to be done upon said intervening ungraded or unimproved part of said street, or at the end of a street, and said work upon said intervening part, or at the end of a street, shall not be stayed or prevented by any written or other objection unless such council shall deem proper. And if one half or more in width or in length, or as to grading, one half or more of the grading work of any street lying and being between two successive main street crossings, or if a crossing has been already partially graded or improved as aforesaid, said council may order the remainder improved, graded or otherwise, notwithstanding such objections of property owners. At the expiration of twenty days after the expiration of the time of said publication by said street superintendent, and at the expiration of twenty-five days after the advertising and posting, as aforesaid, of any resolution of intention, if no written objection to the work therein described has been delivered, as aforesaid, by the owners of a major frontage of the property fronting on said proposed work or improvement, or if any written objection purporting to be signed by the owners of a major frontage is disallowed by said council, as not of itself barring said work for six months, because in its judgment, said objection has not been legally signed by the owners of a majority of said frontage, the city council shall be deemed to have acquired jurisdiction to order any of the work to be done,

or improvement to be made, which is authorized by this act; which order, when made, shall be published for two days, the same as provided for the publication of the resolution of intention. Before passing any resolution for the construction of said improvements, plans and specifications and careful estimates of the costs and expenses thereof shall be furnished to said city council, if required by it, by the city engineer of said city; and for the work of constructing sewers, specifications shall always be furnished by him. Whenever the contemplated work of improvement, in the opinion of the city council, is of more than local or ordinary public benefit, or whenever, according to estimate to be furnished by the city engineer, the total estimated costs and expenses thereof would exceed one half the total assessed value of the lots and lands assessed, if assessed upon the lots or land fronting upon said proposed work or improvement, according to the valuation fixed by the last assessment roll whereon it was assessed for taxes for municipal purposes, and allowing a reasonable depth from such frontage for lots or lands assessed in bulk, the city council may make the expense of such work or improvement chargeable upon a district, which the said city council shall, in its resolution of intention, declare to be the district benefited by said work or improvement, and to be assessed to pay the costs and expenses thereof. Objections to the extent of the district of lands to be affected or benefited by said work or improvement, and to be assessed to pay the costs and expenses thereof, may be made by interested parties, in writing, within ten days after the expiration of the time of the publication of the notice of the passage of the resolution of intention. The city clerk shall lay said objections before the city council, which shall, at its next meeting, fix a time for hearing said objections not less than one week thereafter. The city clerk shall thereupon notify the persons making such objections by depositing a notice thereof in the postoffice of said city, postage prepaid, addressed to each objector. At the time specified the city council shall hear the objections urged, and pass upon the same, and its decision shall be final and conclusive. If the objections are sustained, all proceedings shall be stopped; but proceedings may be immediately again commenced by giving the notice of

intention to do the said work or make said improvements. If the objections are overruled by the city council, the proceedings shall continue the same as if such objections had not been made. [Amendment approved March 31, 1891. Stats. 1891, p. 196.]

Sec. 4. The owners of a majority in frontage of lots and lands fronting on any street, avenue, lane, alley, place, or court, or of lots or lands liable to be assessed for the expense of the work petitioned to be done, or their duly authorized agents, may petition the city council to order any of the work mentioned in this act to be done, and the city council may order the work mentioned in said petition to be done, after notice of its intention so to do has been posted and published as provided in section three of this act. [Amendment approved March 31, 1891. Stats. 1891, p. 199.]

Sec. 5. Before the awarding of any contract by the city council for doing any work authorized by this act, the city council shall cause notice, with specifications, to be posted conspicuously for five days on or near the council chamber door of said council, inviting sealed proposals or bids for doing the work ordered, and shall also cause notice of said work inviting said proposal, and referring to the specifications posted or on file, to be published for two days in a daily, semi-weekly, or weekly newspaper published and circulated in said city, designated by the council for that purpose, and in case there is no newspaper published in said city, then it shall only be posted as hereinbefore provided. All proposals or bids offered shall be accompanied by a check payable to the order of the mayor of the city, certified by a responsible bank, for an amount which shall not be less than ten per cent of the aggregate of the proposal, or by a bond for the said amount and so payable, signed by the bidder and by two sureties, who shall justify, before any officer competent to administer an oath, in double the said amount, and over and above all statutory exemptions. Said proposals or bids shall be delivered to the clerk of the said city council, and said council shall, in open session, examine and publicly declare the same; provided, however, that no proposal or bid shall be considered unless accompanied by said check or bond satisfactory to the council. The city council may reject any and all proposals or bids should

it deem this for the public good, and also the bid of any party who has been delinquent and unfaithful in any former contract with the municipality, and shall reject all proposals or bids other than the lowest regular proposal or bid of any responsible bidder, and may award the contract for said work or improvement to the lowest responsible bidder at the prices named in his bid, which award shall be approved by the mayor or a three-fourths vote of the city council. If not approved by him, or a three-fourths vote of the city council, without further proceedings, the city council may readvertise for proposals or bids for the performance of the work as in the first instance, and thereafter proceed in the manner in this section provided, and shall thereupon return to the proper parties the respective checks and bonds corresponding to the bid so rejected. But the checks accompanying such accepted proposals or bids shall be held by the city clerk of said city until the contract for doing said work, as hereinafter provided, has been entered into, either by said lowest bidder or by the owners of three-fourths part of the frontage, whereupon said certified check shall be returned to said bidder. But if said bidder fails, neglects or refuses to enter into the contract to perform said work or improvement, as hereinafter provided, then the certified check accompanying his bid and the amount therein mentioned, shall be declared to be forfeited to said city, and shall be collected by it and paid into its fund for repairs of streets; and any bond forfeited may be prosecuted, and the amount due thereon collected and paid into said fund. Notice of such awards of contracts shall be posted for five days, in the same manner as hereinbefore provided for the posting of proposals for said work, and shall be published for two days in a daily newspaper published and circulated in said city and designated by said city council, or in cities where there is no daily newspaper, by one insertion in a semi-weekly or weekly newspaper so published, circulated and designated; provided, however, that in case there is no newspaper printed or published in any such city, then such notice of award shall only be kept posted as hereinbefore provided. The owners of three fourths of the frontage of lots and lands upon the street whereon said work is to be done, or their agents, and who shall make oath that they are such owners or agents,

shall not be required to present sealed proposals or bids, but may, within ten days after the first posting and publication of said notice of said award, elect to take said work and enter into a written contract to do the whole work at the price at which the same has been awarded. Should the said owners fail to elect to take said work, and to enter into a written contract therefor within ten days, or to commence the work within fifteen days after the first posting and publication of said award, and to prosecute the same with diligence to completion, it shall be the duty of the superintendent of streets to enter into a contract with the original bidder to whom the contract was awarded, and at the prices specified in his bid. But if such original bidder neglects, fails or refuses, for fifteen days after the first posting and publication of the notice of award, to enter into the contract, then the city council, without further proceedings, shall again advertise for proposals or bids, as in the first instance, and award the contract for said work to the then lowest regular bidder. The bids of all persons and the election of all owners, as aforesaid, who have failed to enter into the contract as herein provided, shall be rejected in any bidding or election subsequent to the first for the same work. If the owner or contractor, who may have taken any contract, do not complete the same within the time limited in the contract, or within such further time as the city council may give them, the superintendent of streets shall report such delinquency to the city council which may relet the unfinished portion of said work, after pursuing the formalities prescribed hereinbefore for the letting of the whole in the first instance. All contractors, contracting owners included, shall, at the time of executing any contract for street work, execute a bond to the satisfaction and approval of the superintendent of streets of said city, with two or more sureties and payable to such city, in such sums as the mayor shall deem adequate, conditioned for the faithful performance of the contract; and the sureties shall justify before any person competent to administer an oath, in double the amount mentioned in said bond, over and above all statutory exemptions. Before being entitled to a contract, the bidder to whom the award was made, or the owners who have elected to take the contract, must advance to the superintendent of streets,

for payment by him, the cost of publication of the notices, resolutions, orders, or other incidental expenses and matters required under the proceedings prescribed in this act, and such other notices as may be deemed requisite by the city council. And in case the work is abandoned by the city before the letting of the contract, the incidental expenses incurred previous to such abandonment shall be paid out of the city treasury. [Amendment approved March 31, 1891. Stats. 1891, p. 199.] ●

Sec. 6. The superintendent of streets is hereby authorized, in his official capacity, to make all written contracts, and receive all bonds authorized by this act, and to do any other act, either express or implied, that pertains to the street department under this act; and he shall fix the time for the commencement, which shall not be more than fifteen days from the date of the contract, and for the completion of the work under all contracts entered into by him, which work shall be prosecuted with diligence from day to day thereafter to completion, and he may extend the time so fixed from time to time, under the direction of the city council. The work provided for in section two of this act must, in all cases, be done under the direction and to the satisfaction of the superintendent of streets, and the materials used shall comply with the specifications and be to the satisfaction of said superintendent of streets, and all contracts made therefor must contain a provision to that effect, and also express notice that, in no case, except where it is otherwise provided in this act, will the city, or any officer thereof, be liable for any portion of the expense, nor for any delinquency of persons or property assessed. The city council may, by ordinance, prescribe general rules directing the superintendent of streets and the contractor as to the materials to be used, and the mode of executing the work, under all contracts thereafter made. The assessment and apportionment of the expenses of all such work or improvement shall be made by the superintendent of streets in the mode herein provided.

Sec. 6½. Every contractor, person, company, or corporation, including contracting owners, to whom is awarded any contract for street work under this act, shall, before executing the said contract, file with the superintendent of streets a good and sufficient bond, approved

by the mayor, in a sum not less than one half of the total amount payable by the terms of said contract; such bond shall be executed by the principal and at least two sureties, who shall qualify for double the sum specified in said bond, and shall be made to inure to the benefit of any and all persons, companies, or corporations who perform labor on, or furnish materials to be used in the said work of improvement, and shall provide that if the contractor, person, company, or corporation to whom said contract was awarded fails to pay for any materials so furnished for the said work of improvement, or for any work or labor done thereon of any kind, that the sureties will pay the same, to an amount not exceeding the sum specified in said bond. Any materialman, person, company, or corporation, furnishing materials to be used in the performance of said work specified in said contract, or who performed work or labor upon the said improvement, whose claim has not been paid by the said contractor, company, or corporation, to whom the said contract was awarded, may, within thirty days from the time said improvement is completed, file with the superintendent of streets a verified statement of his or its claim, together with a statement that the same, or some part thereof, has not been paid. At any time within ninety days after the filing of such claim, the person, company, or corporation, filing the same, or their assigns, may commence an action on said bond for the recovery of the amount due on said claim, together with the costs incurred in said action, and a reasonable attorney fee, to be fixed by the court, for the prosecution thereof. [New section approved February 21, 1899. Stats. 1899, p. 23.]

Sec. 7. Subdivision One—The expenses incurred for any work authorized by this act (which expense shall not include the cost of any work done in such portion of any street as is required by law to be kept in order or repair by any person or company having railroad tracks thereon, nor include work which shall have been declared in the resolution of intention to be assessed on a district benefited) shall be assessed upon the lots and lands fronting thereon, except as hereinafter specifically provided; each lot or portion of a lot being separately assessed, in proportion to the frontage, at a rate per front foot sufficient to cover the total expense of the work.

Subdivision Two—The expense of all improvements, except such as are done by contractors under the provisions of section thirteen of this act, until the streets, avenues, street crossings, lanes, alleys, places, or courts are finally accepted, as provided in section twenty of this act, shall be assessed upon the lots and lands, as provided in this section, according to the nature and character of the work; and after such acceptance the expense of all the work thereafter done thereon shall be paid by said city out of the street department fund.

Subdivision Three—The expense of the work done on main street crossings shall be assessed at a uniform rate per front foot of the quarter blocks and irregular blocks adjoining and cornering upon the crossings, and separately upon the whole of each lot or portion of a lot having any frontage in the said blocks fronting on said main streets, half way to the next main street crossing, and all the way on said blocks to a boundary line of the city where no such crossing intervenes, but only according to its frontage in said quarter blocks and irregular blocks.

Subdivision Four—Where a main street terminates in another main street, the expenses of the work done on one half of the width of the street opposite the termination shall be assessed upon the lots in each of the two quarter blocks adjoining and cornering on the same, according to the frontage of such lots on said main streets, and the expense of the other half of the width of said street upon the lot or lots fronting on the latter half of the street at such termination.

Subdivision Five—Where any alley or subdivision street crosses a main street, the expense of all work done on said crossing shall be assessed on all lots or portions of lots half way on said alley or subdivision street to the next crossing or intersection, or to the end of such alley or subdivision street, if it does not meet another.

Subdivision Six—The expense of work done on alley or subdivision street crossings shall be assessed upon the lots fronting upon such alley or subdivision streets on each side thereof, in all directions, half way to the next street, place or court, on either side, respectively, or to the end of such alley or subdivision street, if it does not meet another.

Subdivision Seven—Where a subdivision street, avenue,

lane, alley, place, or court terminates in another street, avenue, lane, alley, place, or court, the expense of the work done on one half of the width of the subdivision street, avenue, lane, alley, place, or court opposite the termination, shall be assessed upon the lot or lots fronting on such subdivision street, or avenue, lane, alley, place, or court so terminating, according to its frontage thereon, half way on each side, respectively, to the next street, avenue, lane, alley, court, or place, or to the end of such street, avenue, lane, alley, place, or court, if it does not meet another, and the other one half of the width upon the lots fronting such termination.

Subdivision Eight—Where any work mentioned in this act (manholes, cesspools, culverts, cross-walks, piling, and capping excepted) is done on either or both sides of the center line of any street for one block or less, and further work opposite to the work of the same class already done is ordered to be done to complete the unimproved portion of said street, the assessment to cover the total expenses of said work so ordered shall be made upon the lots or portions of the lots only fronting the portions of the work so ordered. And when sewerage or resewering is ordered to be done under the sidewalk on only one side of a street for any length thereof, the assessment for its expenses shall be made only upon the lots and lands fronting nearest upon that side, and for intervening intersections only upon the two quarter blocks adjoining and cornering upon that side.

Subdivision Nine—Section one of chapter three hundred and twenty-five of the laws of this state, entitled "An act amendatory of and supplementary to 'An act to provide revenue for the support of the government of this state,' approved April twenty-ninth, eighteen hundred and fifty-seven," approved April nineteenth, eighteen hundred and fifty-nine, shall not be applicable to the provisions of this section; but the property herein mentioned shall be subject to the provisions of this act, and be assessed for work done under the provisions of this section.

Subdivision Ten—It shall be lawful for the owner or owners of lots or lands fronting upon any street, the width and grade of which have been established by the city council, to perform, at his or their own expense (after obtaining permission from the council so to do, but be-

fore said council has passed its resolution of intention to order grading inclusive of this), any grading upon said street, to its full width, or to the center line thereof, and to its grade as then established, and thereupon to procure, at his or their own expense, a certificate from the city engineer, setting forth the number of cubic yards of cutting and filling made by him or them in said grading, and the proportions performed by each owner, and that the same is done to the established width and grade of said street, or to the center line thereof, and thereafter to file said certificate with the superintendent of streets, which certificate the superintendent shall record in a book kept for that purpose in his office, properly indexed. Whenever thereafter the city council orders the grading of said street, or any portion thereof, on which any grading certified as aforesaid has been done, the bids and contracts must express the price by the cubic yard for cutting and filling in grading; and the said owner or owners, and his or their successors in interest, shall be entitled to credit, on the assessment upon his or their lots and lands fronting on said streets for the grading thereof, to the amount of the cubic yards of cutting and filling set forth in his or their said certificate, at the prices named in the contract for said cutting and filling; or, if the grade meanwhile has been duly altered, only for so much of said certified work as would be required for grading to the altered grade; provided, however, that such owner or owners shall not be entitled to such credit as may be in excess of the assessments for grading upon the lots and lands owned by him or them, and proportionately assessed for the whole of said grading; and the superintendent of streets shall include in the assessment for the whole of said grading upon the same grade the number of cubic yards of cutting and filling set forth in any and all certificates so recorded in his office, or for the whole of said grading to the duly altered grade so much of said certified work as would be required for grading thereto, and shall enter corresponding credits, deducting the same as payments upon the amounts assessed against the lots and lands owned, respectively, by said certified owners and their successors in interest; provided, however, that he shall not so include any grading quantities or credit any sums in excess of the proportionate assessments for the

whole of the grading which are made upon any lots and lands fronting upon said street and belonging to any such certified owners or their successors in interest. Whenever any owner or owners of any lots and lands fronting on any street shall have heretofore done, or shall hereafter do, any work (except grading) on such street, in front of any block, at his or their own expense, and the city council shall subsequently order any work to be done of the same class in front of the same block, said work so done at the expense of such owner or owners shall be excepted from the order ordering work to be done, as provided in subdivision eleven of this section of this act; provided, that the work so done at the expense of such owner or owners, shall be upon the official grade, and in condition satisfactory to the street superintendent at the time said order is passed.

Subdivision Eleven—The city council may include in one resolution of intention and order any of the different kinds of work mentioned in this act, and it may except therefrom any of said work already done upon the street to the official grade. The lots and portions of lots fronting upon said excepted work already done shall not be included in the frontage assessment for the class of work from which the exception is made; provided, that this shall not be construed so as to affect the special provisions as to grading contained in subdivision ten of this section.

Subdivision Twelve—Whenever the resolution of intention declares that the costs and expenses of the work and improvement are to be assessed upon a district, the city council shall direct the city engineer to make a diagram of the property affected or benefited by the proposed work or improvement, as described in the resolution of intention, and to be assessed to pay the expenses thereof. Such diagram shall show each separate lot, piece or parcel of land, the area in square feet of each of such lots, pieces, or parcels of land, and the relative location of the same to the work proposed to be done, all within the limits of the assessment district; and when said diagram shall have been approved by the city council, the clerk shall, at the time of such approval, certify the fact and date thereof. Immediately thereafter the said diagram shall be delivered to the superintendent of streets of said city, who shall after the contractor of any street work has ful-

filled his contract to the satisfaction of said superintendent of streets or city council, on appeal, proceed to estimate upon the lands, lots or portions of lots within said assessment district, as shown by said diagram, the benefits arising from such work, and to be received by each such lot, portion of such lot, piece, or subdivision of land, and shall thereupon assess upon and against said lands in said assessment district the total amount of the costs and expenses of such proposed work, and in so doing shall assess said total sum upon the several pieces, parcels, lots, or portions of lots, and subdivisions of land in said district benefited thereby, to wit: Upon each respectively, in proportion to the estimated benefits to be received by each of said several lots, portions of lots, or subdivisions of land. In other respects the assessment shall be as provided in the next section, and the provisions of subdivisions three, four, five, six, seven, and eight of this section shall not be applicable to the work or improvement provided for in this subdivision. [Amendment approved March March 31, 1891. Stats. 1891, p. 201.]

Sec. 8. After the contractor of any street work has fulfilled his contract to the satisfaction of the street superintendent of said city, or city council on appeal, the street superintendent shall make an assessment to cover the sum due for the work performed and specified in said contract (including any incidental expenses), in conformity with the provisions of the preceding section according to the character of the work done; or, if any direction and decision be given by said council on appeal, then in conformity with such direction and decision, which assessment shall briefly refer to the contract, the work contracted for and performed, and shall show the amount to be paid therefor, together with any incidental expenses, the rate per front foot assessed, if the assessment be made per front foot, the amount of each assessment, the name of the owner of each lot, or portion of a lot (if known to the street superintendent); if unknown the word "Unknown" shall be written opposite the number of the lot, and the amount assessed thereon, the number of each lot or portion or portions of a lot assessed, and shall have attached thereto a diagram exhibiting each street or street crossing, lane, alley, place, or court, on which any work has been done, and showing the relative location of each district,

lot, or portion of lot to the work done, numbered to correspond with the numbers in the assessments, and showing the number of feet fronting, or number of lots assessed, for said work contracted for and performed. [Amendment approved March 14, 1889. Stats. 1889, p. 166.]

Sec. 9. To said assessment shall be attached a warrant, which shall be signed by the superintendent of streets, and countersigned by the mayor of said city. The said warrant shall be substantially in the following form:

Form of the Warrant.

By virtue hereof, I (name of the superintendent of streets), of the city of ———, county of ——— (or city and county of ———), and state of California, by virtue of the authority vested in me as said superintendent of streets, do authorize and empower (name of contractor), (his or their) agents or assigns, to demand and receive the several assessments upon the assessment and diagram hereto attached, and this shall be (his or their) warrant for the same.

(Date.)

——— (name of superintendent of streets.)

Countersigned by (name of mayor.)

Said warrant, assessment, and diagram, together with the certificate of the city engineer, shall be recorded in the office of said superintendent of streets. When so recorded, the several amounts assessed shall be a lien upon the lands, lots, or portions of lots assessed, respectively, for the period of two years from the date of said recording, unless sooner discharged; and from and after the date of said recording of any warrant, assessment, diagram and certificate, all persons mentioned in section eleven of this act shall be deemed to have notice of the contents of the record thereof. After said warrant, assessment, diagram, and certificate are recorded, the same shall be delivered to the contractor, or his agent, or assigns, on demand, but not until after the payment to the said superintendent of streets of the incidental expenses not previously paid by the contractor, or his assigns; and by virtue of said warrant said contractor, or his agent or assigns, shall be authorized to demand and receive the amount of the several assessments made to cover the sum due for the work specified in such contracts and assessments. Whenever it

shall appear by any final judgment of any court of this state that any suit brought to foreclose the lien of any sum of money assessed to cover the expense of said street work done under the provisions of this act has been defeated by reason of any defect, error, informality, omission, irregularity, or illegality in any assessment hereafter to be made and issued, or in the recording thereof, or in the return thereof made to or recorded by said superintendent of streets, any person interested therein may, at any time within three months after the entry of said final judgment, apply to said superintendent of streets who issued the same, or to any superintendent of streets in office at the time of said application, for another assessment to be issued in conformity to law; and said superintendent shall, within fifteen days after the date of said application, make and deliver to said applicant a new assessment, diagram, and warrant in accordance with law; and the acting mayor shall countersign the same as now provided by law, which assessment shall be a lien for the period of two years from the date of said assessment, and be enforced as provided in section seven of this act. [Amendment approved March 31, 1891. Stats. 1891, p. 205.]

Sec. 10. The contractor, or his assigns, or some person in his or their behalf, shall call upon the persons assessed, or their agents, if they can conveniently be found, and demand payment of the amount assessed to each. If any payment be made the contractor, his assigns, or some person in his or their behalf, shall receipt the same upon the assessment in presence of the person making such payment, and shall also give a separate receipt if demanded. Whenever the person so assessed, or their agents, cannot conveniently be found, or whenever the name of the owner of the lot is stated as "Unknown" on the assessment, then the said contractor, or his assigns, or some person in his or their behalf, shall publicly demand payment on the premises assessed. The warrant shall be returned to the superintendent of streets within thirty days after its date, with a return indorsed thereon, signed by the contractor, or his assigns, or some person in his or their behalf, verified upon oath, stating the nature and character of the demand, and whether any of the assessments remain unpaid, in whole or in part, and the amount

thereof. Thereupon the superintendent of streets shall record the return so made, in the margin of the record of the warrant and assessment, and also the original contract referred to therein, if it has not already been recorded at full length in a book to be kept for that purpose in his office, and shall sign the record. The said superintendent of streets is authorized at any time to receive the amount due upon any assessment list and warrant issued by him, and give a good and sufficient discharge therefor; provided, that no such payment so made after suit has been commenced, without the consent of the plaintiff in the action, shall operate as a complete discharge of the lien until the costs in the action shall be refunded to the plaintiff; and he may release any assessment upon the books of his office, on the payment to him of the amount of the assessment against any lot with interest, or on the production to him of the receipt of the party or his assigns to whom the assessment and warrant were issued; and if any contractor shall fail to return his warrant within the time and in the form provided in this section, he shall thenceforth have no lien upon the property assessed; provided, however, that in case any warrant is lost, upon proof of such loss a duplicate can be issued, upon which a return may be made, with the same effect as if the original had been so returned. After the return of the assessment and warrant as aforesaid, all amounts remaining due thereon shall draw interest at the rate of ten per cent per annum until paid.

Sec. 11. The owners, whether named in the assessment or not, the contractor, or his assigns, and all other persons directly interested in any work provided for in this act, or in the assessment, feeling aggrieved by any act or determination of the superintendent of streets in relation thereto, or who claim that the work has not been performed according to the contract in a good and substantial manner, or having or making any objection to the correctness or legality of the assessment or other act, determination, or proceedings of the superintendent of streets, shall, within thirty days after the date of the warrant, appeal to the city council, as provided in this section, by briefly stating their objections in writing, and filing the same with the clerk of said city council. Notice of the time and place of the hearing, briefly referring to the work contracted to be

done, or other subject of appeal, and to the acts, determinations, or proceedings objected to or complained of, shall be published for five days. Upon such appeal, the said city council may remedy and correct any error or informality in the proceedings, and revise and correct any of the acts or determinations of the superintendent of streets relative to said work; may confirm, amend, set aside, alter, modify, or correct the assessment in such manner as to them shall seem just, and require the work to be completed according to the directions of the city council; and may instruct and direct the superintendent of streets to correct the warrant, assessment, or diagram in any particular, or to make and issue a new warrant, assessment, and diagram, to conform to the decisions of said city council in relation thereto, at their option. All the decisions and determinations of said city council, upon notice and hearing as aforesaid, shall be final and conclusive upon all persons entitled to appeal under the provisions of this section, as to all errors, informalities, and irregularities which said city council might have remedied and avoided; and no assessment shall be held invalid, except upon appeal to the city council, as provided in this section, for any error, informality, or other defect in any of the proceedings prior to the assessment, or in the assessment itself, where notice of the intention of the city council to order the work to be done, for which the assessment is made, has been actually published in any designated newspaper of said city for the length of time prescribed by law, before the passage of the resolution ordering the work to be done.

Sec. 12. At any time after the period of thirty-five days from the day of the date of the warrants, as herein provided, or if an appeal is taken to the city council, as provided in section eleven of this act, at any time after five days from the decision of said council, or after the return of the warrant or assessment, after the same may have been corrected, altered, or modified, as provided in said section eleven (but not less than thirty-five days from the date of the warrant), the contractor or his assignee may sue, in his own name, the owner of the land, lots, or portions of lots, assessed on the day of the date of the recording of the warrant, assessment, and diagram, or any day thereafter during the continuance of the lien of said assessment, and recover the amount of any assessment remaining

unpaid, with interest thereon at the rate of ten per cent per annum until paid. And in all cases of recovery under the provisions of this act, the plaintiff shall recover the sum of fifteen dollars, in addition to the taxable cost as attorney's fees, but not any percentage upon said recovery. And when suit has been brought, after a personal demand has been made and a refusal to pay such assessment so demanded, the plaintiff shall also be entitled to have and recover said sum of fifteen dollars as attorney's fees, in addition to all taxable costs, notwithstanding that the suit may be settled or a tender may be made before a recovery in said action, and he may have judgment therefor. Suit may be brought in the superior court within whose jurisdiction the city is in which said work has been done, and in case any of the assessments are made against lots, portions of lots, or lands the owners thereof cannot, with due diligence, be found, the service in each of such actions may be had in such manner as is prescribed in the codes and laws of this state. The said warrant, assessment, certificate, and diagram, with the affidavit of demand and non-payment, shall be held prima facie evidence of the regularity and correctness of the assessment and of the prior proceedings and acts of the superintendent of streets and city council upon which said warrant, assessment, and diagram are based, and like evidence of the right of the plaintiff to recover in the action. The court in which said suit shall be commenced shall have power to adjudge and decree a lien against the premises assessed, and to order such premises to be sold on execution, as in other cases of the sale of real estate by the process of said courts; and on appeal, the appellate courts shall be vested with the same power to adjudge and decree a lien and to order such premises to be sold on execution or decree as is conferred on the court from which an appeal is taken. Such premises, if sold, may be redeemed as in other cases. In all suits now pending, or hereafter brought to recover street assessments, the proceedings therein shall be governed and regulated by the provisions of this act, and also, when not in conflict herewith, by the codes of this state. This act shall be liberally construed to effect the ends of justice. [Amendment approved March 14, 1889. Stats. 1889, p. 168.]

Sec. 12½. The city council, instead of waiting until the completion of the improvement, may, in its discretion, and

not otherwise, upon the completion of two blocks or more of any improvement, order the street superintendent to make an assessment for the proportionate amount of the contract completed, and thereupon proceedings and rights of collection of such proportionate amount shall be had as in sections eight, nine, ten, eleven, and twelve of the act of which this is amendatory is provided. . [New section approved March 14, 1889. Stats. 1889, p. 169.]

Sec. 13. When any portion of any street, avenue, lane, alley, court, or place in said city improved, or any sidewalk constructed thereon shall be out of repair, or needing reconstruction, and in condition to endanger persons or property passing thereon, or in condition to interfere with the public convenience in the use thereof, it shall be the duty of said superintendent of streets to require, by notice in writing, to be delivered to them or their agents personally, or left on the premises, the owners or occupants of lots or portions of lots fronting on said portion of said street, avenue, alley, lane, court, or place, or of said portion of said sidewalks so out of repair or needing reconstruction as aforesaid, to repair or reconstruct, or to do both, forthwith, said portion of said street, avenue, lane, alley, court, or place, to the center line of said street in front of the property of which he is the owner, or tenant, or occupant; and said superintendent of streets shall particularly specify in said notice what work is required to be done, and how the same is to be done, and what material shall be used in said repairs, or reconstructions, or both. If said repairs, or reconstructions, or both, be not commenced within three days after notice given as aforesaid, and diligently and without interruption prosecuted to completion, the said superintendent of streets may, under authority from said city council, make such repairs, reconstruction, or both, or enter into a contract with any suitable person, at the expense of the owner, tenant, or occupant, after the specification for the doing of said work shall have been conspicuously posted by him in his office for two days, inviting bids for the doing of said work, which bids shall be delivered to him at his office on or before the second day of said posting, and opened by him on the next day following the expiration of said two days of posting, and the contract by him be awarded to the lowest bidder, if such lowest bid, in the judgment of said street superinten-

dent, shall be reasonable. All of said bids shall be preserved in his office and open at all times after the letting of the contract to the inspection of all persons, and such owner, tenant, or occupant shall be liable to pay said contract price. Such work shall be commenced within twenty-four hours after the contract shall have been signed, and completed without delay to the satisfaction of said street superintendent. Upon the completion of said repairs, or reconstruction, or both, by said contractors as aforesaid, to the satisfaction of said superintendent of streets, said superintendent of streets shall make and deliver to said contractor a certificate to the effect that said repairs, or reconstruction, or both, have been properly made by said contractor to the grade, and that the charges for the same are reasonable and just, and that he, said superintendent, has accepted the same. [Amendment approved March 14, 1889. Stats. 1889, p. 169.]

Sec. 14. If the expenses of the work and material for such improvement, after the completion thereof, and the delivery to said contractor of said certificate, be not paid to the contractor so employed, or his agent or assignee, on demand, the said contractor, or his assignee, shall have the right to sue such owner, tenant, or occupant for the amount contracted to be paid; and said certificate of the superintendent of streets shall be prima facie evidence of the amount claimed for said work and materials, and of the right of the contractor to recover for the same in such action. Said certificate shall be recorded by the said superintendent of streets in a book kept by him in his office for that purpose, properly indexed, and the sum contracted to be paid shall be a lien, the same as provided in section nine of this act, and may be enforced in the same manner.

Sec. 15. In addition, and as cumulative to the remedies above given, the city council shall have power, by resolution or ordinance, to prescribe the penalties that shall be incurred by any owner or person liable, or neglecting, or refusing to make repairs when required, as provided in section (13) thirteen of this act, which fines and penalties shall be recovered for the use of the city by prosecution in the name of the people of the state of California, in the court having jurisdiction thereof, and may be applied, if deemed expedient by the said council, in the payment of the expenses of any such repairs not otherwise provided for.

Sec. 16. The person owning the fee, or the person in whom, on the day the action is commenced, appears the legal title to the lots and lands, by deeds duly recorded in the county recorder's office of each county, or the person in possession of lands, lots, or portions of lots or buildings under claim, or exercising acts of ownership over the same for himself, or as the executor, administrator, or guardian of the owner, shall be regarded, treated, and deemed to be the "owner" (for the purpose of this law), according to the intent and meaning of that word as used in this act. And in case of property leased, the possession of the tenant or lessee holding and occupying under such persons shall be deemed to be the possession of such owner.

Sec. 17. Any tenant or lessee of the lands or lots liable may pay the amount assessed against the property of which he is the tenant or lessee under the provisions of this act, or he may pay the price agreed on to be paid under the provision of section thirteen of this act, either before or after suit brought, together with costs, to the contractor, or his assigns, or he may redeem the property, if sold on execution or decree for the benefit of the owner, within the time prescribed by law, and deduct the amount so paid from the rents due and to become due from him, and for any sums so paid beyond the rents due from him, he shall have a lien upon and may retain possession of the said land and lots until the amount so paid and advanced be satisfied, with legal interest, from accruing rents, or by payment by the owner.

Sec. 18. The records kept by the superintendent of streets of said city, in conformity with the provisions of this act, and signed by him, shall have the same force and effect as other public records, and copies therefrom, duly certified, may be used in evidence with the same effect as the originals. The said records shall, during all office hours, be open to the inspection of any citizen wishing to examine them, free of charge.

Sec. 19. Notices in writing which are required to be given by the superintendent of streets, under the provisions of this act, may be served by any person, with the permission of the superintendent of streets, and the fact of such service shall be verified by the oath of the person making it, taken before the superintendent of streets, who

for that purpose, and for all other purposes, and in all cases where a verification is required under the provisions of this act, is hereby authorized to administer oaths, or other person authorized to administer oaths, or such notices may be delivered to the superintendent of streets himself, who must also verify the service thereof, and who shall keep a record of the fact of giving such notices, when delivered by himself personally, and also of the notices and proof of service when delivered by any other person. [Amendment approved March 14, 1889. Stats. 1889, p. 170.]

Sec. 20. Whenever any street, or portion of a street, has been or shall hereafter be fully constructed to the satisfaction of the superintendent of streets and of the city council, and is in good condition throughout, and a sewer, gas pipes, and water pipes are laid therein, under such regulations as the city council shall adopt, the same shall be accepted by the city council, by ordinance, and thereafter shall be kept in repair and improved by the said municipality; the expense thereof, together with the assessment for street work done in front of city property, to be paid out of a fund to be provided by said council for that purpose; provided, that the city council shall not accept of any portion of the street less than the entire width of the roadway (including the curbing), and one block in length, or one entire crossing; and, provided further, that the city council may partially or conditionally accept any street, or portion of a street, without a sewer, or gas pipes, or water pipes therein, if the ordinance of acceptance expressly states that the council deems such sewer, or gas pipes, or water pipes, to be then unnecessary, but the lots of land previously, or at any time, assessable for the cost of constructing a sewer, shall remain and be assessable for such cost, and for the cost of repairs and restoration of the street damaged in the said construction, whenever said council shall deem a sewer to be necessary, and shall order it to be constructed, the same as if no partial or conditional acceptance had ever been made. The superintendent of streets shall keep in his office a register of all streets accepted by the city council under this section, which register shall be indexed for easy reference thereto.

Sec. 21. The superintendent of streets shall keep a

public office in some convenient place within the municipality, and such records as may be required by the provisions of this act. He shall superintend and direct the cleaning of all sewers, and the expense of the same shall be paid out of the street or sewer fund of said city.

Sec. 22. It shall be the duty of the superintendent of streets to see that the laws, ordinances, orders, and regulations relating to the public streets and highways be fully carried into execution, and that the penalties thereof are rigidly enforced. He shall keep himself informed of the condition of all the public streets and highways, and also of all public buildings, parks, lots, and grounds of said city, as may be prescribed by the city council. He shall, before entering upon the duties of his office, give bonds to the municipality, with such sureties and for such sums as may be required by the city council; and should he fail to see the laws, ordinances, orders, and regulations relative to the public streets or highways carried into execution, after notice from any citizen of a violation thereof, he and his sureties shall be liable upon his official bond to any person injured in his person or property in consequence of said official neglect.

Sec. 23. If, in consequence of any graded street or public highway improved under the provisions of this act, being out of repair and in condition to endanger persons or property passing thereon, any person, while carefully using said street or public highway, and exercising ordinary care to avoid the danger, suffer damage to his person or property, through any such defect therein, no recourse for damages thus suffered shall be had against such city; but if such defect in the street or public highway shall have existed for the period of twenty-four hours or more after notice thereof to the said superintendent of streets, then the person or persons on whom the law may have imposed the obligations to repair such defect in the street or public highway, and also the officer or officers through whose official negligence such defect remains unrepaired, shall be jointly and severally liable to the party injured for the damage sustained; provided, that said superintendent has the authority to make said repairs, under the direction of the city council, at the expense of the city.

Sec. 24. The city council of such city shall have full

power and authority to construct sewers, gutters, and man-holes, and provide for the cleaning of the same, and culverts or cesspools, or crosswalks or sidewalks, or any portion of any sidewalk, upon or in any street, avenue, lane, alley, court, or place in such city; and also for drainage purposes, over or through any right of way obtained or granted for such purposes, with necessary and proper outlet or outlets to the same, of such materials, in such a manner, and upon such terms as it may be deemed proper. None of the work or improvements described in this section shall be stayed or prevented by any written or any other remonstrance or objection, unless such council deems proper. [Amendment approved March 11, 1893. Stats. 1893, p. 173.]

Sec. 25. The city council may, in its discretion, repair and water streets that shall have been graded, curbed, and planked, paved, or macadamized, and may build, repair, and clean sewers, and shall provide a street contingent fund at the same time and in the same manner as other funds are provided, out of which to pay the costs and expenses of making said repairs, and watering said streets, and building, repairing, and cleaning said sewers; but whenever any unaccepted street or part of a street requires regrading, recurbing, repilling, repaving, replanking, regravelling, or remacadamizing, or requires new culverts, or new crosswalks, or new sidewalks, or new sewers, the work shall be advertised and let out by contract, and the costs and expenses thereof shall be assessed upon the property affected or benefited thereby, the same as in the first instance.

Sec. 26. The city council may, in its discretion, order, by resolution, that the whole or any part of the cost and expenses of any of the work mentioned in this act be paid out of the treasury of the municipality from such fund as the council may designate. Whenever a part of such cost and expenses is so ordered to be paid, the superintendent of streets, in making up the assessment heretofore provided for such cost and expenses, shall first deduct from the whole cost and expenses such part thereof as has been so ordered to be paid out of the municipal treasury, and shall assess the remainder of said cost and expenses proportionately upon the lots, parts of lots, and lands fronting on the streets where said work was done, or liable to

be assessed for such work, and in the manner heretofore provided. [Amendment approved March 31, 1891. Stats. 1891, p. 206.]

Part II.

Sec. 27. Whenever the city council deem it necessary to construct a sewer, then the said council may, in its discretion, determine to construct said sewer, and assess the cost and expenses thereof upon the property to be affected or benefited thereby, in such manner and within such assessment district as it shall prescribe, and the lien therefor upon said property shall be the same as is provided in section nine of this act, or said council may determine to construct said sewer and pay therefor out of the street contingent fund.

Sec. 28. If, at any time, the city council shall deem it necessary to incur any indebtedness for the construction of sewers, in excess of the money in the street contingent fund applicable to the construction of such sewers, they shall give notice of a special election by the qualified electors of the city, to be held to determine whether such indebtedness shall be incurred. Such notice shall specify the amount of indebtedness proposed to be incurred, the route and general character of the sewer, or sewers to be constructed, and the amount of money necessary to be raised annually by taxation for an interest and sinking fund as hereinafter provided. Such notice shall be published for at least three weeks in some newspaper published in such city, and no other question or matter shall be submitted to the electors at such election. If, upon a canvass of the votes cast at such election, it appear that not less than two thirds of all the qualified electors voting at such election shall have voted in favor of incurring such indebtedness, it shall be the duty of the city council to pass an ordinance providing for the mode of creating such indebtedness, and of paying the same; and in such ordinance provision shall be made for the levy and collection of an annual tax upon all the real and personal property subject to taxation, within such city, sufficient to pay the interest on such indebtedness as it falls due, and also to constitute a sinking fund for the payment of the principal thereof, within a period of not more than twenty years from the time of contracting the same. It shall be the duty of the city council in each year thereafter, at the time when other

taxes are levied, to levy a tax sufficient for such purpose, in addition to the taxes authorized to be levied for city purposes. Such tax, when collected, shall be kept in the treasury as a separate fund, to be inviolably appropriated to the payment of the principal and interest of such indebtedness.

Sec. 29. If bonds are issued under the provisions of the last section, said bonds shall be in sums of not less than one hundred dollars nor more than one thousand dollars, shall be signed by the mayor and treasurer of the city, and the seal of the city shall be affixed thereto. Coupons for the interest shall be attached to each bond, signed by the mayor and treasurer. Said bonds shall bear interest, to be fixed by the city council, at the rate of not to exceed five per cent per annum.

Sec. 30. Before the sale of said bonds, the council shall, at a regular meeting, by resolution, declare its intention to sell a specified amount of said bonds, and the day and hour of such sale, and shall cause such resolution to be entered in the minutes, and shall cause notice of such sale to be published for fifteen days in at least one newspaper published in the city in which the bonds are issued, and one published in the city and county of San Francisco, and in any other newspaper in the state, at their discretion. The notice shall state that sealed proposals will be received by the council for the purchase of the bonds on the day and hour named in the resolution. The council, at the time appointed, shall open the proposals and award the purchase of the bonds to the highest bidder, but may reject all bids.

Sec. 31. The council may sell said bonds, at not less than par value, without the notice provided for in the preceding section.

Sec. 32. The proceeds of the sale of the bonds shall be deposited in the city treasury, to the account of the sewer fund, but no payment therefrom shall be made, except to pay for the construction of the sewer or sewers, for the construction of which the bonds were issued, and upon the certificate of the superintendent of streets and the city engineer that the work has been done according to the contract; provided, that after the completion of the sewers, for the construction of which said bonds were issued, if there be any money of said fund left in the treasury, the same may be transferred to the general fund, for general

purposes. [Amendment approved March 15, 1887. Stats. 1887, p. 148.]

Sec. 33. Whenever said council shall determine to construct any sewer, and pay therefor out of the street contingent fund, or by the issuance of bonds, as above provided, then said council shall cause to be prepared plans and specifications of said work in sections, and shall advertise for twenty days in at least one newspaper published in the city in which the sewer is to be constructed, and one in the city and county of San Francisco, for sealed proposals for constructing said sewer. The work may be let in sections, and must be awarded to the lowest responsible bidder, the council having the right to reject any and all bids. The work shall be done and the materials furnished under the supervision and to the satisfaction of the superintendent of streets and the city engineer.

Part III.

Sec. 34. First—The city engineer, or where there is no city engineer, the county, or city and county surveyor, shall be the proper officer to do the surveying and other engineering work necessary to be done under this act, and to survey and measure the work to be done under contracts for grading and macadamizing streets, and to estimate the costs and expenses thereof; and every certificate signed by him in his official character shall be prima facie evidence in all courts in this state of the truth of its contents. He shall also keep a record of all surveys made under the provisions of this act, as in other cases. In all those cities where there is no city engineer, the city council thereof is hereby authorized and empowered to appoint a suitable person to discharge the duties herein laid down as those of city engineer, and all the provisions hereof applicable to the city engineer shall apply to such person so appointed. Said city council is hereby empowered to fix his compensation for such services.

Second—The words "work," "improve," "improved" and "improvement," as used in this act, shall include all work mentioned in this act, and also the construction, reconstruction and repairs of all or any portion of said work.

Third—The term "incidental expenses," as used in this act, shall include the compensation of the city engineer for work done by him; also the cost of printing and advertising as provided in this act, and not otherwise; also, the

compensation of the person appointed by the superintendent of streets to take charge of and superintend any of the work mentioned in section thirty-five of this act. All demands for incidental expenses mentioned in this subdivision shall be presented to the street superintendent by itemized bill, duly verified by oath of the demandant.

Fourth—The notices, resolutions, orders or other matter required to be published by the provisions of this act, and of the act of which this is amendatory, shall be published in a daily newspaper, in cities where such there is, and where there is no daily newspaper, in a semi-weekly or weekly newspaper, to be designated by the council of such city, as often as the same is issued, and no other statute shall govern or be applicable to the publications herein provided for; provided, however, that only in case there is no daily, semi-weekly or weekly newspaper printed or circulated in any such city, then such notices, resolutions, orders or other matters as are herein required to be published in a newspaper, shall be posted and kept posted for the same length of time as required herein for the publication of the same in a daily, semi-weekly or weekly newspaper, in three of the most public places in such city. Proof of the publication or posting of any notice provided for herein shall be made by affidavit of the owner, publisher or clerk of the newspaper, or of the poster of the notice. No publication or notice, other than that provided for in this act, shall be necessary to give validity to any of the proceedings provided for therein.

Fifth—The word "municipality" and the word "city," as used in this act, shall be understood and so construed as to include, and is hereby declared to include, all corporations heretofore organized and now existing, and those hereafter organized, for municipal purposes.

Sixth—The words "paved" or "repaved," as used in this act, shall be held to mean and include pavement of stone, whether paving blocks or macadamizing, or of bituminous rock or asphalt, or of iron, wood or other material, whether patented or not, which the city council shall by ordinance adopt.

Seventh—The word "street," as used in this act, shall be deemed to, and is hereby declared to, include avenues, highways, lanes, alleys, crossings, or intersections, courts and places, and the term "main street" means such actually

opened street or streets as bound a block; the word "blocks," whether regular or irregular, shall mean such blocks as are bounded by main streets, or partially by a boundary line of the city.

Eight—The terms "street superintendent" and "superintendent of streets," as used in this act, shall be understood and so construed as to include, and are hereby declared to include, any person or officer whose duty it is, under the law, to have the care or charge of the streets, or the improvement thereof in any city. In all those cities where there is no street superintendent or superintendent of streets, the city council thereof is hereby authorized and empowered to appoint a suitable person to discharge the duties herein laid down as those of street superintendent or superintendent of streets; and all provisions hereof applicable to the street superintendent or superintendent of streets shall apply to such person so appointed.

Ninth—The term "city council" is hereby declared to include any body or board which, under the law, is the legislative department of the government of any city.

Tenth—In municipalities in which there is no mayor, then the duties imposed upon said officer by the provisions of this act shall be performed by the president of the board of trustees, or other chief executive officer of the municipality.

Eleventh—The term "clerk" and "city clerk" as used in this act, is hereby declared to include any person or officer who shall be clerk of the said city council.

Twelfth—The term "quarter block," as used in this act as to irregular blocks, shall be deemed to include all lots or portions of lots having any frontage on either intersecting street half way from such intersection to the next main street, or, when no main street intervenes, all the way to a boundary line of the city.

Thirteenth—The term "one year," as used in this act, shall be deemed to include the time beginning with January first and ending with the thirty-first day of December of the same year.

Fourteenth—References in certain sections, by number, to certain other sections of "this act" refer to the number of the sections of the original act, as heretofore amended, unless it appears from the context that the reference is to the section of this amendatory act, when it shall be

construed according to the context. [Amendment approved March 31, 1891. Stats. 1891, p. 203.]

Sec. 35. The superintendent of streets in all cities having a population of fifty thousand or over shall, when in his judgment it is necessary, appoint a suitable person to take charge of and superintend the construction and improvement of each and every sewer constructed or improved under the provisions of this act, and of piling and capping, sidewalks, or of the paving of whatever character heretofore mentioned, in whole or in part, of one block or more, whose duty it shall be to see that the contract made for the doing of said work is strictly fulfilled in every respect, and in case of any departure therefrom to report the same to the superintendent of streets. Such person shall be allowed for his time actually employed in the discharge of his duties such compensation as shall be just, but not to exceed four dollars per day. The sum to which the party so employed shall be entitled shall be deemed to be incidental expenses, within the meaning of those words as defined by this act. [Amendment approved March 6, 1903. Stats. 1903, p. 88.]

Sec. 36. The act entitled "An act to provide for the improvement of streets, lanes, alleys, courts, places, and sidewalks, and the construction of sewers within municipalities," approved March sixth, eighteen hundred and eighty-three, is hereby repealed; provided, that any work or proceedings commenced thereunder prior to the passage of this act shall in nowise be affected hereby, but shall in all respects be finished and completed under said act of March sixth, eighteen hundred and eighty-three, and said repeal shall in nowise affect said work or proceedings.

Sec. 37. That said act shall take effect and be in force immediately upon its passage, and all acts and parts of acts in conflict with this act are hereby repealed; and provided, however, that any work or proceeding of the city council commenced under the act of which this is amendatory shall in nowise be affected thereby, but shall in all respects be finished and completed thereunder. [Amendment approved March 11, 1893. Stats. 1893, p. 173.]

Sec. 38. The city council is hereby empowered to change or modify the grade of any public street, lane, alley, place, or court, and to regrade or repave the same, so as to conform to such modified grade, in the manner as

hereinafter provided. Before any change of grade is ordered the city council shall pass an ordinance or resolution of intention to make such change or modification of grade, and it shall have power at the same time and in the same ordinance or resolution to provide for the actual cost of performing the work of regrading, repaving, sewerage, sidewalk, or curbing of said street or portion of street, with the same or other material with which it was formerly graded, paved, sewerage, sidewalk, or curbed; and that the cost of the same shall also be assessed upon the same district which is declared to be benefited by such changed or modified grade. One or more streets or blocks of streets may be embraced in the same ordinance or resolution. Such ordinance or resolution shall be published in the newspaper in which the official notices of the city council are usually printed and published; and such newspaper is to be designated in such ordinance or resolution. Such publication shall be made in every regular issue of such paper for not less than ten days, and shall describe the proposed change or modification of grade or regrading, and shall designate and establish the district to be benefited by such change or modification of grade or regrading, and to be assessed for the cost of the same. Within five days after the first publication of the ordinance or resolution of intention, the superintendent of streets shall cause to be conspicuously posted within the district designated in the ordinance or resolution, notice of the passage of said resolution. Said notices shall be the same in all requirements of contents and posting as the "Notices of Street Work" provided for in section three of the original act to which this is amendatory. If no objection to said proposed change or changes, or modifications of grade, shall be filed with the clerk of the council within thirty days from the first publication of the ordinance or resolution of intention hereinbefore mentioned, the city council shall have power to declare such grades to be changed and established in conformity to said ordinance or resolution; provided, that no change of an established grade shall be ordered except on petition of the owners of a majority of the property affected by the proposed change of grade. [Amendment approved March 9, 1893. Stats. 1893, p. 89.]

Sec. 39. Within thirty days after the first publication of said notice, any person owning property fronting upon

said portions of the street or streets where such change of grade is made, may file a petition with the clerk of the city council showing the fact of such ownership, the description and situation of the property claimed to be damaged, its market value, and the estimated amount of damages over and above all benefits which the property would sustain by the proposed change if completed. Such petition shall be verified by the oath of the petitioners or their agents. [Amendment approved March 9, 1893. Stats. 1893, p. 90.]

Sec. 40. Whenever such petition or petitions have been filed, the mayor, surveyor, and superintendent of streets of the city, or city and county, acting as a board of commissioners, shall assess the benefits, damages, and costs of the proposed change of grade upon each separate lot of land situated within such assessment district, as said lot appears of record upon the last city, or city and county assessment roll. [Amendment approved March 9, 1893. Stats. 1893, p. 90.]

Sec. 41. The commissioners shall be sworn to make the assessments of benefits and damages to the best of their judgment and ability, without fear or favor. [Amendment approved March 9, 1893. Stats. 1893, p. 90.]

Sec. 42. The commissioners shall have power to subpoena witnesses to appear before them to be examined under oath, which any one of said commissioners is authorized to administer. [Amendment approved March 9, 1893. Stats. 1893, p. 90.]

Sec. 43. The commissioners having determined the damage which would be sustained by each petitioner, in excess of all benefits, shall proceed to assess the total amount thereof, together with the costs, charges, and expenses of the proceedings, upon the several lots of land benefited within the district of assessment, so that each of the lots shall be assessed in accordance with its benefits caused by such work or improvement; and during the progress of their work shall make a report to such city council as often as it may be required. [Amendment approved March 9, 1893. Stats. 1893, p. 90.]

Sec. 44. The commissioners shall make their report, in writing, and shall subscribe to the same and file with the city council. In their said report they shall describe separately each piece of property which will sustain dam-

age, stating the amount of damages each will sustain over and above all benefits. They shall also give a brief description of each lot benefited within said assessment district, the name of the owner, if known, and the amount of benefits in excess of damages assessed against the same. In case the three commissioners do not agree, the award agreed upon by any two of them shall be sufficient. In designating the lots to be assessed, reference may be had to a diagram of the property in the district affected; such diagram to be attached to and made a part of the report of the commissioners. [Amendment approved March 9, 1893. Stats. 1893, p. 90.]

Sec. 45. If in any case the commissioners find that conflicting claims of title exist, or shall be in ignorance or doubt of the ownership of any lot or land, or any improvement thereon, or any interest therein, it shall be set down as belonging to unknown owners. Error in the designation of the owner or owners of any land or improvements, or particulars of their interest, shall not affect the validity of the assessment. On the filing of said report, the clerk of said city council shall give notice of such filing by the publication of at least ten days in one or more daily newspapers published and circulated in said city; or if there be no daily newspaper, by three successive issues in a weekly or semi-weekly newspaper so published and circulated; and said notice shall require all persons interested to show cause, if any, why such report should not be confirmed, before the city council, on a day to be fixed by the city council and stated in said notice, which day shall not be less than twenty days from the first publication thereof. [Amendment approved March 9, 1893. Stats. 1893, p. 91.]

Sec. 46. All objections shall be in writing and filed with the clerk of the city council, who shall, at the next meeting after the date fixed in the notice to show cause, lay the said objections, if any, before the council, which shall fix a time for hearing the same; of which time the clerk shall notify the objectors in the same manner as are notified objectors to the original resolution of intention. At the time set, or at such other time as the hearing may be adjourned, the city council shall hear such objections and pass upon the same, and at such time shall proceed to pass upon such report, and may confirm, correct, or modify the

same, or may order the commissioners to make a new assessment, report, and plat, which shall be filed, notice given and had, as in the case of an original report. In case the ordinance or resolution of intention also provides for the assessing upon the district the cost of regrading or repaving such street or streets to such changed or modified grade, after the report of the commissioners as to the damages caused by such change of grade has been passed upon by the city council, it shall then advertise for bids to perform the work of regrading, repaving, sewer-ing, sidewalking, or curbing such street or streets with the same or other material with which the same had been formerly graded, paved, sewered, sidewalked, or curbed; first causing a notice, with specifications, to be posted conspicuously for five days on or near the council chamber door, inviting sealed proposals for bids for doing such work, and shall also cause notices of said work, inviting said proposals and referring to the specifications posted or on file, to be published two days in a daily, semi-weekly, or weekly newspaper published and circulated in said city, and designated by the city council for that purpose, and in case there is no newspaper published in the city, then it shall be posted as provided in section three of the original act to which this is amendatory. All proposals or bids offered shall be accompanied by a check, payable to the order of the mayor of the city, and certified by a responsible bank for that amount, which shall not be less than ten per cent of the aggregate of the proposals; or by a bond for said amount, signed by the bidder and two sureties, who shall justify under oath in double said amount over and above all statutory exemptions. Said proposals or bids shall be delivered to the clerk of the said city council, and said council shall in open session, examine and publicly declare the same; provided, however, that no proposal or bid shall be considered unless accompanied by a check or a bond satisfactory to the council. The city council may reject any and all bids, and may award the contract to the lowest responsible bidder, which award shall be approved by the mayor or the three-fourths vote of the city council. If not approved by the mayor or the three-fourths vote of the city council, the city council may readvertise for proposals or bids for the performance of the work, as in the first instance, and thereafter

proceed in the manner in this section provided. All checks accompanying bids shall be held by the clerk until the bearer has entered into a contract, as herein provided; and in case he refuses so to do, then the amount of his certified check shall be declared forfeited to the city, and shall be collected and paid into its general fund, and all bonds so forfeited shall be prosecuted, and the amount thereon collected paid into such fund. Notice of the awards of the contracts shall be published and posted in the same manner as hereinbefore provided for the posting of proposals for said work. [Amendment approved March 9, 1893. Stats. 1893, p. 91.]

Sec. 47. After such contract has been awarded and entered into, the clerk of the city council shall certify to the city council that fact, together with the total amount of the cost of the same, whereupon the city council shall cause to be forwarded to the commissioners a copy of such certificate; whereupon such commissioners shall proceed to assess the cost of doing such work upon all the lots and land lying within the district to be assessed, distributing the same so that each lot will be assessed for its proportion of the same, according to the benefits it receives from the work, and in the same manner in which the damages caused by the change of grade were assessed upon the same. Such commissioners, in making such assessment, shall show the total amount for which each lot or tract is assessed, in excess of all benefits, for the total cost of changing and modifying the grade of the street, as well as the regrading, repaving, sewerage, sidewalking, and curbing of the same, and costs or damages connected therewith. The provisions of the act to which this is amendatory in regard to the mode or manner of the assessment of the cost of such work shall not apply to the work herein contemplated; neither shall the provisions of the same in regard to the issuing of bonds to represent the cost of the same, nor the provisions in regard to the right of protest against the work. [Amendment approved March 9, 1893. Stats. 1893, p. 92.]

Sec. 48. The clerk of said city council shall forward to the street superintendent of the city a certified copy of the report, assessment, and plat, as finally confirmed and adopted by the city council. Such certified copy shall thereupon be the assessment roll, the cost of which shall

be provided for by the commissioners, as a portion of the cost of the proceedings therein. Immediately upon receipt thereof by the street superintendent, the assessment therein contained shall become due and payable, and shall be a lien upon all the property contained or described therein. [Amendment approved March 9, 1893. Stats. 1893, p. 93.]

Sec. 49. The superintendent of streets shall thereupon give notice, by publication for ten days in one or more daily newspapers published and circulated in said city, or city and county, or two successive insertions in a weekly or semi-weekly newspaper so published and circulated, that he has received said assessment roll, and that all sums levied and assessed in said assessment roll are due and payable immediately, and that the payment of said sums is to be made to him within thirty days from the date of the first publication of said notice. Said notice shall also contain a statement that all assessments not paid before the expiration of said thirty days will be declared to be delinquent, and that thereafter the sum of five per cent upon the amount of such delinquent assessment together with the cost of advertising each delinquent assessment, will be added thereto. When payment of any assessment is made to said superintendent of streets, he shall write the word "Paid" and the date of payment opposite the respective assessment so paid, and the name of the persons by or for whom said assessment is paid, and shall give a receipt therefor. On the expiration of said thirty days, all assessments then unpaid shall be and become delinquent, and said superintendent of streets shall certify such fact at the foot of said assessment roll, and shall add five per cent to the amount of each assessment so delinquent. The said superintendent of streets shall, within five days from the date of such delinquency, proceed to advertise the various sums delinquent, and the whole thereof, including the cost of advertising, which last shall not exceed the sum of fifty cents for each lot, piece, or parcel of land separately assessed, by the sale of the assessed property in the same manner as is or may be provided for the collection of state and county taxes; and after the date of said delinquency, and before the time of such sale herein provided for, no assessment shall be received, unless at the same time the five per cent added to as aforesaid, together with the costs of advertising then already incurred, shall

be paid therewith. Said list of delinquent assessments, with a notice of the time and place of sale of the property affected thereby, shall be published daily for five days, in one or more daily newspapers published and circulated in such city, or by at least two insertions in a weekly newspaper so published and circulated before the day of sale for such delinquent assessment. Said time of sale must not be less than seven days from the date of the first publication of said delinquent assessment list, and the place must be in or in front of the office of said superintendent of streets. All property sold shall be subject to redemption for one year, and in the same manner as in sales for delinquent state and county taxes; and the superintendent of streets shall, if there is no redemption, make and deliver to the purchaser at such sale a deed conveying the property sold, and may collect for each certificate fifty cents, and for each deed one dollar. All provisions of the law in reference to the sale and redemption of property for delinquent state and county taxes, in force at any given time, shall also then, as far as the same are not in conflict with the provisions of this act, be applicable to the sale and redemption of property for delinquent assessments hereunder, including the issuance of certificates and execution of deeds. The deed of the street superintendent, made after such sale, in case of failure to redeem, shall be prima facie evidence of the regularity of all proceedings hereunder, and of title in the grantee. The superintendent of streets shall from time to time pay over to the city treasurer all moneys collected by him on account of any such assessments. The city treasurer shall, upon receipt thereof, place the same in a separate fund, designating each fund by the name of the street, square, lane, alley, court, or place for the change of grade for which the assessment was made. Payments shall be made from said fund to the parties entitled thereto, upon warrants signed by the commissioners or a majority of them. [Amendment approved March 9, 1893. Stats. 1893, p. 93.]

Sec. 50. When sufficient money is in the hands of the city treasurer, in the fund voted for the proposed work or improvement, to pay the total cost for damages, as well as for the cost of doing the work, and all other expenses connected therewith, it shall be the duty of the commissioners to notify the owner, possessor, or occupant of the premises

damaged, and to whom damages have been awarded, that a warrant has been drawn for the payment of the same, which can be received at the office of such commissioners. Such notification may be made by depositing a notice, postage paid, in the postoffice, addressed to his last known place of residence. If, after the expiration of three days after the service or deposit of the notice in the postoffice, he shall not have applied for such warrant, the same shall be drawn and deposited with the city treasurer, to be delivered to him upon demand. [Amendment approved March 9, 1893. Stats. 1893, p. 94.]

Sec. 51. If the owner of any premises damaged neglects or refuses, for ten days after the warrant has been placed in the hands of the city treasurer, subject to his demand, to accept the same, the city council may cause proceedings to be commenced, in the name of the city, to condemn said premises, as provided by law under the right of eminent domain. The ordinance or resolution of intention shall be conclusive evidence of the necessity of the same. Such proceedings shall have precedence, so far as the business of the court will permit, and any judgment for damages therein rendered shall be payable out of the special fund in the treasury for that purpose. At any time after the trial and judgment entered, or pending appeal, the court may order the city treasurer to set apart in the city treasury a sufficient sum from said fund to answer the judgment, and thereupon may authorize or order the municipality to proceed with the proposed work or improvements. In case of a deficiency in said fund to pay the whole assessed judgment and damages, the city council may, in its discretion, order the balance thereof to be paid out of the general fund of the treasury, or to be distributed by the commissioners over the property assessed by a supplementary assessment; but in the last named case, in order to avoid delay, the city council may advance such balance out of any available fund in the treasury, and reimburse the same from the collection of assessments. The treasurer shall pay such warrants in the order of their presentation; provided, that warrants for damages and for costs of performing the work shall have priority over warrants for charges and expenses, and the treasurer shall see that sufficient money remains in the fund to pay all warrants of the first class before paying any of the second. The provisions of section

one thousand two hundred and fifty-one of the Code of Civil Procedure, requiring the payment of damages within thirty days after the entry of judgment, shall not apply to damages rendered in proceedings under this act. [Amendment approved March 9, 1893. Stats. 1893, p. 95.]

Sec. 52. All other provisions contained in the act to which this is amendatory, and which provisions are not in conflict herewith, shall apply to all matters herein contained. All proceedings in any work or improvement, such as is provided for in this act, already commenced and now in progress under another act now in force, or by virtue of an ordinance or resolution of intention heretofore passed, may, from any stage of such proceedings already commenced and now in progress, be continued under this act by resolution of the city council. The said work or improvement may then be conducted under the provisions of this act, with full force and effect in all respects from the stage of such proceedings at and from which such resolution or ordinance shall declare the intention to have such work done or improvement cease under such other acts or ordinances and continued under this act; and from such election so made all proceedings theretofore had are hereby ratified, confirmed, and made valid, and it shall be unnecessary to renew or conduct over again any proceedings prior to the passage of this act. [Amendment approved March 9, 1893. Stats. 1893, p. 95.]

Sec. 53. The provisions of this act shall be liberally construed to permit the objects thereof. [Amendment approved March 9, 1893. Stats. 1893, p. 96.]

ACT 3981.

An act to provide for laying out, opening, extending, widening, straightening, diverging, curving, contracting, or closing up, in whole or in part, any street, square, lane, alley, court, or place within municipalities or cities and counties of forty thousand inhabitants or over, and to condemn and acquire any and all land and property necessary or convenient for that purpose.

[Approved March 23, 1893. Stats. 1893, p. 220.]

The code commissioners say of this act: "Probably unconstitutional. (Darcy v. Mayor of San Jose, 104 Cal. 642; Pasadena v. Stimson, 91 Cal. 258.)"

Section 1. Be it enacted: Whenever the public interest or convenience may require, the city council of any municipality or cities and counties, containing over forty thousand inhabitants, shall have full power to order, and upon the petition of the owners of a majority of the frontage to be taken for said purpose shall order, the opening, extending, widening, straightening, diverging, curving, contracting, or closing up, in whole or in part, of any street, square, lane, alley, court, or place within the bounds of such city, and shall condemn and acquire any and all lands necessary or convenient for that purpose.

Sec. 2. Before ordering any work to be done or improvement made, which is authorized by section one of this act, the city council shall then pass a resolution declaring the intention to do said work, describing the work or improvement, and the land deemed necessary to be taken therefor, and specifying the exterior boundaries of the district of land to be affected or benefited by said work or improvement, and be assessed to pay the damages, cost, and expense thereof.

Sec. 3. The street superintendent shall then cause to be conspicuously posted along the line of said contemplated work or improvement, and not more than three hundred feet in distance apart, but not less than three in all, notices of the passage of said resolution. Said notice shall be headed, "Notice of Public Work," in letters not less than one inch in length, shall be in legible characters, state the fact of the passage of the resolution, its date, and, briefly, the work of improvement proposed, and refer to the resolution for further particulars. He shall also cause a notice similar in substance to be published for a period of ten days in one or more daily newspapers published and circulated in said city, and designated by said city council; or if there is no daily newspaper so published and circulated in said city, then by four successive insertions in a weekly or semi-weekly newspaper so published, circulated, and designated.

Sec. 4. Any person through whose lands said proposed street extension runs, or who will be damaged or affected by said proposed work, may, within ten days after the first publication of said notice, file with the clerk of the city council his written objections thereto, stating in what manner and to what extent he will be damaged, which ob-

jection shall be delivered to the clerk of the city council, who shall indorse thereon the date of its reception by him, and at the next meeting of the city council, after the expiration of said ten days, lay said objections before said city council, which shall fix a time for hearing said objections, not less than one week thereafter. The city clerk shall thereupon notify the persons making such objections by depositing a notice thereof in the post-office of said city, postage prepaid, addressed to such objector.

Sec. 5. At the time specified, or to which the hearing may be adjourned, the city council shall hear the objections filed, and if the owners of a majority of the frontage of all lands to be assessed for benefits, as said owners appear on the last preceding annual assessment roll for state and county taxes, object, in writing, to said proposed opening, extending, and widening, straightening, diverging, curving, contracting, or closing up of said street, said city council shall sustain said objections, and all proceedings therefor shall be stopped for the period of twelve months. Proceedings may be again commenced by a new resolution of intention. If the owners of a majority of the frontage of all streets within the assessment district do not object, in writing, thereto, within the time specified in this act, the city council shall be deemed to have acquired jurisdiction to order any of the work to be done or improvements to be made which is authorized by section one of this act.

Sec. 6. Having acquired jurisdiction, as provided in the preceding section, the city council shall order said work to be done, and, unless the proposed work is for closing up, and it appears that no assessment is necessary, shall appoint three disinterested persons, who shall constitute a board of commissioners in that regard, who shall have full supervision of the proposed work or improvement until the completion thereof in compliance with this statute. For their services they shall each receive, as compensation, not to exceed five dollars for every day of actual service; provided, that said compensation shall not be paid for a longer term than six months for each district, unless extended by the council. Such extension shall not exceed two months at one time, nor shall the term of office of said commissioners, for any district, continue for longer than one year. Such compensation shall

be added to and be chargeable as a part of the expenses of the work or improvement. Each of said commissioners shall file with the clerk of the city council an affidavit and a bond to the state of California, in the sum of five thousand dollars, to faithfully perform the duties of his office. The city council may at any time remove any or all of said commissioners for cause upon reasonable notice and hearing, and may fill any vacancies occurring among them for any cause. At the end of the terms of said commissioners, they shall hand over all unfinished business to the city council, who shall complete the same. In all municipalities where there is a board of public works, such board shall constitute the board of commissioners in this section provided for, and shall perform the duties of such commissioners, and their salaries as members of the board of public works shall be in full compensation for such services. It shall be the official duty of the city attorney to render said commissioners all necessary legal services; provided, that the city surveyor shall, for any work or services which he may perform by the direction of the common council or other legislative department of the city government, receive, in addition to his salary allowed by law, all sums which he may lay out, pay out, or expend in the prosecution of said work, for materials or labor necessarily therein by him employed.

Sec. 7. Said commissioners shall have an office assigned to them by the city council, in the city hall, and shall have power to employ a secretary, at a salary not to exceed one hundred and fifty dollars per month, and such other clerical assistance as shall be provided them by the city council, the salaries and fees of whom shall be established and fixed by said city council.

Sec. 8. All such charges and expenses shall be deemed as expenses of said work of improvement, and be a charge only upon the funds devoted to the particular work or improvement as provided hereinafter. All payments, as well for the land and improvements taken or damaged, and for the charges and expenses, shall be paid by the city treasurer, upon warrants drawn upon said fund from time to time, signed by said commissioners, or a majority of them. All such warrants shall state whether they are issued for land or improvements taken or damaged, or for

charges and expenses, and that the demand is only payable out of the money in said fund, and in no event shall the city be liable for the failure to collect any assessment made by virtue hereof, nor shall said warrant be payable out of any other fund, nor a claim against the city.

Sec. 9. Said commissioners shall proceed to view the lands described in the resolution of intention, and may examine witnesses on oath, to be administered by any of them. Having viewed the land to be taken, and the improvements affected, and considered the testimony presented, they shall proceed with all diligence to determine the value of the land, and the damage to improvement and property affected, and also the amount of the expenses incident to said work or improvement, and having determined the same, shall proceed to assess the same upon the lands described in said district herein provided. The lands fronting on said extension or widening shall only be assessed to the depth of one hundred and twenty feet, or the full depth of the lots, not exceeding one hundred and fifty feet; and said lands shall be assessed with reference to the amount of grading to be done, and their location on the grades of said street or improvement; and the expenses of grading said lots or lands, whether filling or cutting shall be necessary to place them on the grade of said street or improvement, shall be estimated in determining the value of the land, and the damage to the improvement and property affected.

Sec. 10. Said commissioners, having made their assessment of benefits and damage, shall, with all diligence, make a written report thereof, to the city council, and shall accompany their report with a plat showing the land taken, or about to be taken, for the work or improvement, and the lands assessed, showing the relative location of each district, block, lot, or portion of lot, and its dimensions, so far as the commissioners can reasonably ascertain the same. Each block and lot, or portion of lot, taken or assessed, shall be designated and described in said plat by an appropriate number, and a reference to it by such descriptive number shall be a sufficient description of it in any suit entered to condemn and in all respects. When the report and plat are approved by the city council, a copy of said plat, appropriately designated, shall be filed by the clerk thereof in the office of the recorder of the county.

Sec. 11. Said report shall specify each lot, subdivision, or piece of property taken or injured by the widening or other improvement, or assessed therefor, together with the name of the owner or claimant thereof, or of persons interested therein as lessees, incumbrancers, or otherwise, so far as the same are known to such commissioners, and the particulars of their interests, so far as the same can be ascertained, and the amount of value or damage, or the amount assessed, as the case may be.

Sec. 12. If in any case the commissioners find conflicting claims of title exist, or shall be in ignorance or doubt as to the ownership of any lot of land, or of any improvements thereon, or any interest therein, it shall be set down as belonging to unknown owners. Error in the designation of the owner or owners of any land or improvements, or of the particulars of their interest, shall not affect the validity of the assessment or the condemnation of the property to be taken.

Sec. 13. Said report and plat shall be filed in the clerk's office of the city council, and thereupon the clerk of said city council shall give notice of such filing by publication for at least ten days in one or more daily newspapers published and circulated in said city; or if there be no daily newspaper, by three successive insertions in a weekly or semi-weekly newspaper so published and circulated. Said notice shall also require all persons interested to show cause, if any, why such report should not be confirmed, before the city council, on or before a day fixed by the clerk thereof, and stated in said notice, which day shall be not less than thirty days from the first publication thereof.

Sec. 14. All objections shall be in writing, and filed with the clerk of the city council, who shall, at the next meeting after the day fixed in the notice to show cause, lay the said objections, if any, before the city council, which shall fix a time for hearing the same, of which the clerk shall notify the objectors in the same manner as objectors to the original resolution of intention. At the time set, or at such other time as the hearing may be adjourned to, the city council shall hear such objections and pass upon the same; and at such time, or if there be no objections at the first meeting after the day set in

such order to show cause, or such other time as may be fixed, shall proceed to pass upon such report, and may confirm, correct or modify, or may sustain the objections thereto and order the commissioners to make a new report, assessment, and plat, which in either case shall be filed, and notice given and hearing had, as in the case of the original report; but no report, or plat, or assessment shall be filed by said commissioners after the expiration of ten months after their appointment.

Sec. 15. The clerk of said city council shall forward to the street superintendent of the city a certified copy of the report, assessment, and plat as finally confirmed and adopted by the city council. Such certified copy shall thereupon be the assessment roll, and thirty days after such filing shall become a lien on the property assessed therein, for its proportion of the costs of said improvement, as hereinbefore provided.

Sec. 16. The superintendent of streets shall thereupon give notice by publication for ten days in two daily newspapers published and circulated in said city and county, or by two successive insertions in a weekly or semi-weekly newspaper so published and circulated, that he has received said assessment roll, and that all sums levied and assessed in said assessment roll are due and payable immediately, and that the payment of said sums is to be made to him within thirty days from the date of the first publication of said notice. Said notice shall also contain a statement that all assessments not paid before the expiration of said thirty days will be declared to be delinquent, and that thereafter the sum of five per cent upon the amount of each delinquent assessment, together with the cost of advertising each delinquent assessment, will be added thereto. When payment of any assessment is made to said superintendent of streets, he shall write the word "Paid" and the date of payment opposite the respective assessments so paid, and the names of persons by or for whom said assessment is paid, and shall, if so required, give a receipt therefor. On the expiration of said thirty days, all assessments then unpaid shall be and become delinquent, and said superintendent of streets shall certify such fact at the foot of said assessment roll; and shall add five per cent to the amount of each assessment so delinquent. The said superintendent of streets

shall, within five days from the date of said delinquency, proceed to advertise and collect the various sums delinquent and the whole thereof, including the cost of advertising, which last shall not exceed the sum of fifty cents for each lot, piece, or parcel of land separately assessed, by the sale of the assessed property in the same manner as is or may be provided for the collection of state and county taxes; and after the date of said delinquency, and before the time of said sale herein provided for, no assessment shall be received unless at the same time the five per cent added thereto, as aforesaid, together with the cost of advertising then already incurred, shall be paid therewith. Said list of delinquent assessments shall be published daily for five days in one or more daily newspapers published and circulated in such city, or by at least one insertion in a weekly newspaper so published and circulated, before the day of sale of such delinquent assessment. Said time of sale must not be less than seven days from the date of the first publication of said delinquent assessment list, and the place must be in or in front of the office of said superintendent of streets. All property sold shall be subject to redemption in the same time and manner as in sales for delinquent state and county taxes; and the superintendent of streets may collect for each certificate fifty cents, and for each deed one dollar. All provisions of the law in reference to the sale and redemption of property for delinquent state and county taxes in force at any given time shall also then, so far as the same are not in conflict with the provisions of this act, be applicable to the sale and redemption of property for delinquent assessments hereunder, including the issuance of certificates and the execution of deeds. The deed of the street superintendent made after such sales, in case of failure to redeem, shall be prima facie evidence of the regularity of all proceedings hereunder and of title in the grantee. It shall be conclusive evidence of the necessity of taking or damaging the lands taken or damaged, and of the correctness of the compensation awarded therefor. The superintendent of streets shall, from time to time, pay over to the city treasurer all moneys collected by him on account of any such assessments. The city treasurer shall, upon receipt thereof, place the same in a separate fund, designating such fund by the name of the street,

square, lane, alley, court, or place for the widening, opening, or other improvement of which the assessment was made. Payments shall be made from said fund to the parties entitled thereto, upon warrants signed by the commissioners, or a majority of them.

Sec. 17. When sufficient money is in the hands of the city treasurer, in the fund devoted to the proposed work or improvement, to pay for the land or improvements taken or damaged, and when, in the discretion of the commissioners, or a majority of them, the time shall have come to make payments, it shall be the duty of the commissioners to notify the owner, possessor, or occupant of any land or improvements thereon to whom damages shall have been awarded that a warrant has been drawn for the payment of the same, and that he can receive such warrant at the office of such commissioners, upon tendering a conveyance of any property to be taken; such a notification, except in the case of unknown owners, to be made by depositing a notice, postage paid, in the postoffice, addressed to his last known place of abode or residence. If, at the expiration of thirty days after the deposit of such notice, he should not have applied for such warrant and tendered a conveyance of the land to be taken, the warrant so drawn shall be deposited with the county treasurer, and shall be delivered to such owner, possessor, or occupant, upon tendering a conveyance as aforesaid, unless judgment of condemnation shall be had, when the same shall be canceled.

Sec. 18. If any owner of land to be taken neglects or refuses to accept the warrant drawn in his favor, as aforesaid, or objects to the report as to the necessity of taking his land, the commissioners, with the approval of the city council, may cause proceedings to be taken for the condemnation thereof, as provided by law under the right of eminent domain. The complaint may aver that it is necessary for the city to take or damage and condemn the said lands, or an easement therein, as the case may be, without setting forth the proceedings herein provided for, and the resolution and ordinance ordering said work to be done shall be conclusive evidence of such necessity. Such proceedings shall be brought in the name of the municipality, and have precedence, so far as the business of the court will permit; and any judgment for damages

therein rendered shall be payable out of such portion of the special fund as may remain in the treasury, so far as the same can be applied. At any time after trial and judgment entered, or preceding an appeal, the court may order the city treasurer to set apart in the city treasury a sufficient sum from the fund appropriated to the particular improvement, to answer the judgment and all damages, and thereupon may authorize and order the municipality to enter upon the land and proceed with the proposed work and improvement. In case of a deficiency in said fund to pay the whole of said judgment and damages, the city council shall order the balance thereof to be paid out of the general fund of the treasury.

Sec. 19. The treasurer shall pay such warrants out of the appropriate fund, and not otherwise, in the order of their presentation; provided, that warrants for land or improvements taken or damaged shall have priority over warrants for charges and expenses, and the treasurer shall see that sufficient money is and remains in the fund to pay all warrants of the first class before paying any of the second.

Sec. 20. If any title attempted to be acquired by virtue of this act shall be found to be defective from any cause, the city council may again institute proceedings to acquire the land as in this act provided, or otherwise, or may authorize the commissioners to purchase the same, and include the cost thereof in a supplementary assessment, as provided in the last section.

Sec. 21. 1. The words "work" and "improvement," as used in this act, shall include all work mentioned in section one of this act.

2. In case there is no daily or weekly or semi-weekly newspaper printed and circulated in the city, then such notices as are herein required to be published in a newspaper shall be posted and kept posted for the length of time required herein for the publication of the same in a weekly newspaper, in three of the most public places in such city. Proof of the publication or posting of any notice provided for herein shall be made by affidavit of the owner, publisher, or clerk of the newspaper, or of the poster of the notice.

3. The word "municipality" and the word "city" shall

be understood and so construed as to include all corporations heretofore organized and now existing, or hereafter organized, for municipal purposes.

4. The term "street superintendent" and "superintendent of streets," as used in this act, shall be understood and so construed as to include, and are hereby declared to include, any person or officer whose duty it is, under the law, to have the care or charge of the streets, or the improvement thereof, in any city. In all those cities where there is no street superintendent or superintendent of streets, the city council thereof is hereby authorized and empowered to appoint a suitable person to discharge the duties herein laid down as those of street superintendent or superintendent of streets, and all the provisions hereof applicable to the street superintendent or superintendent of streets shall apply to such persons so appointed.

5. The term "city council" is hereby declared to include any body or board which, under the law, is the legislative department of the government of any city.

6. The term "clerk" and "city clerk," as used in this act, is hereby declared to include any person or officer who shall be clerk of said city council.

7. The term "treasurer" or "city treasurer," as used in this act, shall include any person or officer who shall have charge and make payment of the city funds.

Sec. 22. The mayor, tax collector, and city or city and county attorney, as the case may be, of all municipalities wherein there is existing at the passage of this act any commission appointed for the opening, extending, or widening of streets under the provision of said act of March sixth, eighteen hundred and eighty-nine, and which commission is not within the proviso of section twenty-three of this act, are hereby constituted a board of audit, whose duty it shall be, upon petition of said commission, to carefully examine all the accounts, bills, and expenditures, made or contracted for by said commission, including the salaries of the said commissioners; and said board of audit, or a majority of its members, is hereby authorized to audit and allow such amounts as it shall find to be just and reasonable, and report said amounts, with the items thereof and to whom payable, to the city council. Said report shall be final and conclusive as to said amounts. The city council is authorized to pass and allow and

order paid to each of the persons entitled thereto, the amounts so found to be due, in the same manner as claims and demands against such municipality are passed, allowed, and ordered paid. The payment of said amounts shall be provided for in the tax levy next thereafter made by said city council, and when said taxes are collected the said amounts shall be paid out of the general fund of said municipality in the same manner as other claims and demands are paid.

Sec. 23. The act approved March sixth, eighteen hundred and eighty-nine, entitled An act for opening, widening, and extending streets, etc., after the passage of this act, shall not apply to any city or city and county having a population of forty thousand inhabitants or over; but as to any city or city and county having a population of forty thousand or over said act shall not apply; but said cities and cities and counties shall be subject only to the provisions of this act in all matters embraced within the purview of this act; provided, however, that the present city council or other governing body of any municipality of forty thousand inhabitants or over shall have power, by a three-fourths vote of its members, to extend the life of any existing commission until its work shall have been completed as in said act provided; but in all other cases in cities or cities and counties of forty thousand inhabitants or over, the assessments, plats, and reports filed by said commissioners are declared to be null and void, and all moneys collected under the provisions of said act shall be refunded to the persons from whom the same were collected, in the same manner as taxes which have been twice collected, and the said commissioners are hereby removed from office; provided further, however, that in case of the lands necessary to widen or open any street, there shall have been actually purchased and conveyed to the municipality, under the provisions of said act of March sixth, eighteen hundred and eighty-nine, more than one half of the land necessary for said improvements, as shown by the report and plat on file, then said streets, and the improvement thereof, shall not be affected by this act, but the same shall be completed as commenced.

Sec. 24. This act shall be liberally construed, to promote the objects thereof. .

This act shall take effect and be in force from the time of its passage.

ACT 3932.

An act to provide a system of street improvement bonds to represent certain assessments for the cost of street work and improvement within municipalities, and also for the payment of such bonds.

[Approved February 27, 1893. Stats. 1893, p. 33.]

Amended 1899, 40.

The code commissioners say of this act: "Amended 1899, 40. Unconstitutional, in so far as it undertakes to make the bond conclusive evidence. (*Ramish v. Hartwell*, 126 Cal. 443.)"

Section 1. Wherever in this act the phrase "street-work act" is used, it means, and shall be taken to mean, the act entitled "An act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for construction of sewers within municipalities," approved March eighteenth, eighteen hundred and eighty-five, and all acts amendatory thereof or supplementary thereto; and wherever in this act the name of any municipal body or officer is used, or any word or phrase is used which is not herein expressly defined, it means and shall be taken to mean such municipal body or officer, or word or phrase, as the same is expressly defined in said street-work act, and in all acts amendatory thereof or supplementary thereto.

Sec. 2. Whenever the city council of any municipality in this state shall find, upon estimates of the city engineer, that the cost of any proposed work or improvement authorized by said street-work act will be greater than fifty cents per front foot along each line of the street so proposed to be improved, including the cost of intersection work assessable upon said frontage, it shall have the power, in its discretion, to determine that serial bonds shall be issued to represent the cost of said work or improvement, in the manner and form hereinafter provided. Said serial bonds shall extend over a period not to exceed ten years from their date, and an even annual proportion of the principal sum thereof shall be payable, by coupon, on the second day of January every year after their date, until the whole is paid, and the interest shall be payable semi-annually, by coupon, on the second days of January and July, respectively, of each year, at the rate of not

to exceed ten per cent per annum on all sums unpaid, until the whole of said principal and interest are paid. Said bonds and interest thereon shall be paid at the office of the city treasurer of said municipality, who shall keep a fund designated by the name of said bonds, into which he shall receive all sums paid him for the principal of said bonds and the interest thereon, and from which he shall disburse such sums, upon the presentation of said coupons; and under no circumstances shall said bonds or the interest thereon be paid out of any other fund. Said city treasurer shall keep a register in his office, which shall show the series, number, date, amount, rate of interest, payee and indorsees of each bond, and the number and amount of each coupon or principal or interest paid by him, and shall cancel and file each coupon so paid. [Amended March 2, 1899. Stats. 1899, p. 40.]

Sec. 3. When said city council shall determine that serial bonds shall be issued to represent the expenses of any proposed work or improvement under said street-work act, it shall so declare in the resolution of intention to do said work, and shall specify the rate of interest which they shall bear. The like description of said bonds shall be inserted in the resolution ordering the work, in the resolution of award, and in all notices of said proceedings required by said street-work act to be either posted or published; and also a notice that a bond will issue to represent each assessment of twenty-five dollars or more remaining unpaid for thirty days after the date of the warrant, or five days after the decision of said council upon an appeal, and describing the bonds, shall be included in the warrant provided for in section nine of said street-work act. [Amended March 2, 1899. Stats. 1899, p. 40.]

Sec. 4. After the full expiration of thirty days from the date of the warrant, or if an appeal be taken to the city council, as provided in section eleven of said street-work act, then five days after the final decision of said council, and after the street superintendent shall have recorded the return, as provided in section ten of the same act, the street superintendent shall make and certify to the city treasurer a complete list of all assessments unpaid, which amount to twenty-five dollars or over, upon any assessment or diagram number; and said treasurer

shall thereupon make out, sign, and issue to the contractor, or his assigns, payce of the warrant and assessment, a separate bond, representing upon each lot or parcel of land upon said list the total amount of the assessments against the same, as thereon shown. And if said lot or parcel of land is described upon said assessment and diagram by its number or block, or both, and is also designated by its number or block, or both, upon the official map of said municipality, or upon any map on file in the office of the county recorder of the county in which said municipality is situated, then it shall be in said bond a sufficient description of said lot or parcel of land to designate it by said number or block, or both, as it appears on said official or recorded map.

Said bond shall be substantially in the following form:

Street Improvement Bond.

Series (designating it), in the city (or other form of the municipality) of (naming it).

§——100.

No. —.

Under and by virtue of an act of the legislature of the state of California (title of said act), I, out of the fund for the above designated street-improvement bonds, series —, will pay to —, or order, the sum of — dollars (§——) with interest at the rate of — per cent per annum, all as is hereinafter specified, and at the office of the — treasurer of the — of —, state of California. This bond is issued to represent the cost of certain street work upon —, in the — of —, as the same is more fully described in assessment number —, issued by the street superintendent of said —, after his acceptance of said work, and recorded in his office. Its amount is the amount assessed in said assessment against the lot or parcel of land numbered therein, and in the diagram attached thereto, as number —, and which now remains unpaid, but until paid, with accrued interest, is a first lien upon the property affected thereby, as the same is described herein, and in said recorded assessment with its diagram, to wit: the lot or parcel of land in said — of —, county of —, state of California, —.

This bond is payable exclusively from said fund, and neither the municipality nor any officer thereof is to be holden for payment otherwise of its principal or interest.

The term of this bond is — years from its date, and at the expiration of said time the whole sum then unpaid shall be due and payable; but on the second day of January of each year after its date an even annual proportion of its whole amount is due and payable, upon presentation of the coupon therefor, until the whole is paid, with all accrued interest at the rate of — per centum per annum.

The interest is payable semi-annually, to wit: on the second days of January and of July in each year hereafter, upon presentation of the coupons therefor, the first of which is for the interest from date to the next second day of —, and thereafter the interest coupons are for semi-annual interest, except the last, which is for interest from the semi-annual payment next preceding and to the date of the final maturity of this bond.

Should default be made in the annual payment upon the principal, or in any payment of interest from the owner of said lot or parcel of land, or any one in his behalf, the holder of this bond is entitled to declare the whole unpaid amount to be due and payable, and to have said lot or parcel of land advertised and sold forthwith, in the manner provided by law.

At said — of —, this — day of —, in the year one thousand — hundred and —.

City treasurer of the — of —.

Provided, that in case the amount of unpaid assessments upon any lot or parcel of land shall be less than twenty-five dollars, then the same shall be collected as is hereinbefore provided in part one of said street-work act.

Provided, also, that if any person, or his authorized agent, shall at any time before the issuance of the bond for said assessment upon his lot or parcel of land present to the city treasurer his affidavit, made before a competent officer, that he is the owner of a lot or parcel of land in said list, accompanied by the certificate of a searcher of records that he is such owner of record, and with such affidavit and certificate such person notifies said treasurer in writing that he desires no bond to be issued for the assessments upon said lot or parcel of land, then no such bond shall be issued therefor, and the payee of the warrant, or his assigns, shall retain his right for

enforcing collection as if said lot or parcel of land had not been so listed by the street superintendent.

The bonds so issued by said treasurer shall be payable to the party to whom they issue, or order, and shall be serial bonds, as is hereinbefore described, and shall bear interest at the rate specified in the resolution of intention to do said work. They shall have annual coupons attached thereto, payable in annual order, on the second day of January in each year after the date of the bond, until all are paid, and each coupon shall be for an even annual proportion of the principal of the bond. They shall have semi-annual interest coupons thereto attached, the first of which shall be payable upon the second day of January or July, as the case may be, next after its date, and shall be for the interest accrued at that time, and the last of which shall be for the amount of interest accruing from the second day of January or July, as the case may be, next preceding the maturity of said bonds to the maturity thereof. The city treasurer shall, in addition to his other duties in the premises, report all coupon payments of principal upon said bonds to the street superintendent, who shall forthwith indorse the same upon the margin of the record of the assessment to the credit of which the same is paid, and said assessment shall be a first lien upon the property affected thereby until the bond issued for the payment thereof, and the accrued interest thereon, shall be fully paid. Said bonds, by their issuance, shall be prima facie evidence of the regularity of all proceedings thereto under said street-work act and this act, previous to the making of the certified list of all assessments unpaid to the amount of twenty-five dollars or over by the street superintendent, to the city treasurer, and of the validity of said lien, up to the date of said list. [Amended March 2, 1899. Stats. 1899, p. 41.]

Sec. 5. Whenever, through the default of the owner of any lot or parcel of land to represent the assessment upon which such bond has been, or may hereafter be, issued, and payment, either upon the principal, or of the interest, has not been, or shall not be made when the same has become, or shall become due, and the holder of the bond thereupon demands, in writing, that the said city treasurer proceed to advertise and sell said lot or parcel of land, as herein provided, then the whole bond, or its

unpaid remainder, with its accrued interest, as expressed in said bond, shall become due and payable immediately, and on the day following shall become delinquent.

Subdivision a. Upon the application of the holder of any bond that is now or shall hereafter become delinquent as provided in this section, the said city treasurer shall publish for two weeks in a newspaper of general circulation, to be designated by him, published in the city where his office is situated, a notice which must contain the date, number, and series of the delinquent bond, a description of the property mentioned in said bond, and the name of the owner of such property (if known), and if unknown, the fact shall be so stated, the amount due thereon, and a statement that unless the amount of said bond and the interest due thereon, together with the cost of publication of such notice are paid, the real property described in said bond will be sold at public auction on a day to be therein fixed, which shall not be less than fifteen nor more than thirty days from the day of the first publication of said notice, and the place of such sale, which must be the office of the said city treasurer.

Subdivision b. The city treasurer, before the day of sale hereinafter provided for, must file with the city clerk a copy of the publication, with an affidavit of the publisher of such newspaper, or some one in his behalf, attached thereto, that it is a true copy of the same; that the publication was made in a newspaper, stating its name and place of publication and the date of each appearance in which such publication was made—which affidavit is primary evidence of all the facts stated therein.

Subdivision c. The city treasurer must collect, in addition to the amount due on such bond, the cost of the publication of such notice, and fifty cents for the certificate of sale, as hereinafter provided.

Subdivision d. At any time prior to the sale, the owner or person in possession of any real estate offered for sale under the provisions of this act may pay the whole amount of said bond then due, with costs, and such bond shall thereupon be canceled; but in case such payment is not made by such owner, or person in possession, or by some one in behalf of such owner, or person in possession, the property subject thereto shall be sold as herein provided.

Subdivision f. The city treasurer, before delivering any

certificate, must, in a book kept in his office for that purpose, enter the date, number, and series of the bond, a description of the land sold corresponding with the description in the certificate, the date of sale, purchaser's name, the amount paid, regularly number the descriptions on the margin of the book, and put a corresponding number on each certificate. Such book must be open to public inspection during office hours when not in actual use, and he shall enter on the record of the bond the words "Canceled by sale of the property," giving the date of such sale.

Subdivision g. Immediately on the sale, the purchaser shall become vested with a lien on the property, so sold to him, to the extent of his bid, and is only divested of such lien by the payment to the city treasurer of the purchase money, including costs herein provided for, with interest thereon at the rate of one per cent per month from the date of sale.

Subdivision h. A redemption of the property sold may be made by the owner of the property, or any party in interest, within twelve months from the date of purchase, or at any time prior to the application for a deed, as hereinafter provided. Redemption must be made in lawful money of the United States, and when made to the city treasurer he must credit the amount paid to the person named in his certificate, and pay it on demand to him or his assignees.

Subdivision i. On receiving the certificate of sale, the recorder must file it, and make an entry in a book similar to that required of the city treasurer, the fee for which shall be fifty cents, and on presentation of the receipt of the city treasurer for the total amount of the redemption money, the recorder must, without charge, mark the word "Redeemed," the date, and by whom redeemed, on the margin of the book where the entry of the certificate is made.

Subdivision j. If the property is not redeemed within the time allowed by subdivision h hereof for its redemption, the city treasurer, or his successor in office, upon application of the purchaser or his assignee, must make to said purchaser, or his assignee, a deed to the property, reciting in the deed, substantially, the matter contained in the certificate, and that no person has redeemed the prop-

erty during the time allowed for its redemption; the treasurer shall be entitled to receive from the purchaser two dollars for making said deed, which shall be deposited in the city treasury for the use of the city after payment has been made therefrom for the acknowledgment of said deed; provided, however, that the purchaser of the property, or his assignee, must, thirty days prior to the expiration of the time of the redemption, or thirty days before his application for a deed, serve upon the owner or agent of the property purchased, if named in such certificate, and upon the party occupying the property, if the property is occupied, a written notice, stating that said property, or a portion thereof, has been sold to satisfy the bond lien, the date of sale, the date, number, and series of the bond, the amount then due, and the time when the right of redemption will expire, or when the purchaser will apply for a deed, and the owner of the property shall have the right of redemption indefinitely, until such notice shall have been given and said deed applied for, upon the payment of the fees, penalties, and costs in this act required. In case of unoccupied property, a similar notice must be posted in a conspicuous place upon the property at least thirty days before the expiration of the time for redemption, or thirty days before the purchaser applies for a deed; and no deed to the property sold, in accordance with the provisions of this act, shall be issued by the city treasurer to the purchaser of such property, until such purchaser shall have filed with such treasurer an affidavit showing that the notice hereinbefore required to be given has been given as herein required, which said affidavit shall be filed and preserved by the said treasurer as other records kept by him in his office. Such purchaser shall be entitled to receive the sum of fifty cents for his service of such notice and the making of said affidavit, which sum of fifty cents shall be paid by redemptioner at the time and in the same manner as the other sums, costs, and fees are paid.

Subdivision k. The deed, when duly acknowledged or proved, is primary evidence of the regularity of all proceedings theretofore had, and conveys to the grantee the absolute title to the lands described therein, as of the date of the expiration of the period for redemption, free of all incumbrances, except the lien for state, county, and

municipal taxes. [Amended March 2, 1899. Stats. 1899, p. 43.]

Sec. 6. Whenever any railroad track or tracks of any description exists upon any street or streets on which the city council has ordered work to be done or improvements made, excepting therefrom such portions as is [are] required by law to be kept in order or repair, by any person or company having railroad tracks thereon, the said council may, at any time thereafter, order such person or company to perform upon said excepted portion the work or improvements, similar in all respects to that already ordered to be performed under the same specifications and superintendence, with the same materials, within the same time, and to the like satisfaction and acceptance. Thereupon it shall be the duty of the clerk of said council to deliver immediately a copy of such order, certified by him, to such person or company, and to make and preserve in his office a certificate of such delivery, its date, and upon whom made. Should such person or company, for thirty days, or within such extension of time as the city council may grant, thereafter refuse or neglect to make or have made such work or improvement in the manner or time ordered, it shall be the duty of the city council to have such work or improvement performed, and such refusal or neglect punished in the manner provided by law. Within fifteen days after receiving the certified copy of said order, such person or company may file with the clerk of said council a written assumption of the performance of said work or improvement, according to the order, or a request to the council to have such work or improvement performed, for and at the expense of such person or company, in the manner herein provided. The failure to file such instrument within said time shall be taken and deemed to be a refusal to comply with the order. Upon reception of said assumption of the direct performance of said work or improvement, the city council shall take no further proceedings in the matter, unless such person or company neglects or fails for thirty days, or such further time as the council may grant, to comply with the provisions of the order. But if such person or company files the said request that the said council have such work or improvement performed, or fails to perform said work within thirty days, or within

such further time as the council may grant, then said city council may pass an ordinance of intention to perform said work, which ordinance shall specify the work to be performed, and a statement that unless within thirty days after the recording of the return of the warrant, or within five days after the final decision of the council on an appeal, the said person or company shall pay the cost of said work, or the street superintendent of said city shall issue bonds to represent the cost of said work, stating also that the cost of said work, in case bonds shall issue, shall be paid in ten yearly installments, and also the rate of interest (not to exceed ten per cent per annum) that the same shall bear. The subsequent procedure shall be as provided by the "Street-work Act." A similar statement shall also be incorporated in all notices required to be posted or published by the provisions of the "Street-work Act"; also in the ordinance or resolution ordering the work, advertisement for proposals, and in the contract. Whenever the person or company owning any such railroad shall not have, within thirty days after the recording of the return of the warrant, or within five days after the final decision of the council on an appeal, paid the cost of such work, the street superintendent shall issue to the contractor, or his assigns, bonds for the amount of such cost, which shall describe the franchise, tracks, and road-bed along or between which said work has been performed, and describing the same as upon the assessment and diagram, giving its assessment number. Such bonds shall also describe the work performed, giving the total amount of the cost of such work, the name of the owner of said railroad, the number of installments in which the cost of the work is to be paid, and the rate of interest which the deferred payments shall bear. Said bonds shall be in sums of not less than one hundred dollars or more than one thousand dollars, and shall recite that the total amount of the cost of such work, together with the interest thereon, as represented in said bonds, is, except state, county, and municipal taxes, a first lien upon all the track, road-bed, switches, and franchises of said railroad lying within the corporate limits of the city or town, on any part of which said work has been performed. Said street superintendent shall also keep a record of such bonds, as required by section eighteen of the "Street-work Act."

Whenever bonds have been issued, as herein provided, the same, together with the cost of such work and the interest thereon, shall be, except state, county, or municipal taxes, a first lien upon all the tracks, road-bed, switches, and franchises of said railroad within the corporate limits of the city or town, on any part of which said work has been performed. Sections four and five of this act, regarding the form, issuance, and foreclosure of street bonds, and the sale of property described therein, shall apply hereto, except that the work required to be performed by the treasurer by said sections shall be performed by the street superintendent, in so far as the bonds for the paving of railroads are concerned. None of the provisions of the "Street-work Act" in regard to a protest against the work shall apply to any work contemplated by this section. All provisions of the "Street-work Act" not inconsistent with the provisions hereof shall apply hereto.

Sec. 7. The term "city treasurer," as used in this act, shall be held to mean and include any person who, under whatever name or title, is the custodian of the funds of the municipality.

Sec. 8. The act entitled "An act to amend an act entitled 'An act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for construction of sewers within municipalities,' approved March eighteenth, eighteen hundred and eighty-five, by adding thereto an additional part, numbered four, consisting of sections thirty-eight, thirty-nine, forty, forty-one, forty-two, forty-three, and forty-four, relative to a system of street improvement bonds," approved March seventeenth, eighteen hundred and ninety-one, is hereby repealed, except as to any and all proceedings hitherto commenced thereunder, which proceedings may be completed and have full force as is therein provided.

Sec. 9. This act shall take effect and become of force from and after its passage.

ACT 3933.

An act fixing and regulating the manner of sale and redemption of real property for delinquent assessments to pay the damages, costs, and expense for or incident to laying out, opening, extending, widening, straightening, diverging, curving, contracting, or closing up,

in whole or in any part, any street, square, lane, alley, court, or place within municipalities in this state.

[Approved March 27, 1895. Stats. 1895, p. 204.]

The people of the state of California, represented in senate and assembly, do enact as follows:

Section 1. All sales, and redemptions after sale, of any real property upon which the assessment levied and assessed to pay the damages, costs, and expense for or incident to laying out, opening, extending, widening, straightening, diverging, curving, constructing, or closing up, in whole or in part, any street, square, lane, alley, court, or place within municipalities in this state, shall remain unpaid and become delinquent under the provisions of any act or law regulating such matters, shall be made and had in the same time and manner as such sales and redemption were required by law to be made and had on the first day of January, Anno Domini eighteen hundred and ninety-five.

Sec. 2. All acts or parts of acts in conflict with this act are hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its passage and approval.

TITLE 480.

SUISUN CITY.

ACT 3938.

Authorizing and empowering board of trustees to grade and improve streets. [Stats. 1871-2, p. 658.]

"Superseded by 1885, 147, chap. CLIII; and by the incorporation of the city under Municipal Government Act of 1883."—Code Commissioners' note.

TITLE 481.

SUMMONS.

ACT 3943.

Concerning service of summons upon absent defendants. [Stats. 1871-2, p. 392.]

Repealed 1873-4, 495.

TITLE 482.

SUNDAY.

ACT 3948.

To prohibit barbarous and noisy amusements on the Christian Sabbath. [Stats. 1855, p. 50.]

Superseded by secs. 299-301, Pen. Code, which have been repealed.

ACT 3949.

To provide for the better observance of the Sabbath.
[Stats. 1858, p. 124.]

This act was declared void in *Ex parte Newman*, 9 Cal. 502.

ACT 3950.

For the observance of the Sabbath. [Stats. 1861, p. 655.]
Superseded by Penal Code, sec. 299 et seq., which have been repealed.

ACT 3951.

To regulate and provide for a day of rest in certain cases.
[Stats. 1880, p. 80.]

Unconstitutional. (*Ex parte Westerfield*, 55 Cal. 550.)

This act forbade baking between six p. m. Saturday and six p. m. Sunday. It is in full in Penal Code, Appendix, p. 722.

ACT 3952.

To provide for a day of rest from labor. [Stats. 1893, p. 54.]

In full in Penal Code, Appendix, p. 722. It provided that every employee should be entitled to one day's rest in seven.

TITLE 483.**SUPERVISORS.****ACT 3957.**

To enable boards of supervisors to authorize the employment of deputies in certain cases. [Stats. 1880, p. 27.]

Repealed by the County Government Acts, see 1897, 452.

ACT 3958.

To enable boards of supervisors and other legislative bodies to perform the duties prescribed by section 1, article XIV, of the constitution. [Stats. 1881, p. 54.]

Unconstitutional in part. (*Fitch v. Supervisors*, 122 Cal. 285.)

This act related to the fixing of water rates.

ACT 3959.

Authorizing boards of supervisors to pay expenses of posse comitatus in criminal cases. [Stats. 1880, p. 102.]

In full in Appendix to Penal Code, p. 723.

ACT 3960.

To confer power upon supervisors to complete sewers.
[Stats. 1881, p. 76.]

Superseded by County Government Act and the charter of San Francisco.

Cal.Rep.Cit. 98, 683.

1844 SUPREME COURT COMMISSION—LIBRARY.

ACT 2961.

Authorizing any board of supervisors to refund the bonded indebtedness. [Stats. 1885, p. 211.]

Superseded by subd. 13, sec. 25, 1897, 460.

ACT 2962.

Authorizing boards of supervisors to transfer certain funds. [Stats. 1880, p. 133.]

Superseded by subd. 13, sec. 25, 1897, 463.

This act authorized the transfer of swamp land funds to the general fund.

ACT 2963.

Empowering boards of supervisors to levy a special tax for the purpose of displaying products and industries of any county at domestic or foreign expositions, for the purpose of encouraging immigration and increasing trade in the products of the state. [Stats. 1901, p. 589.]

TITLE 484.

SUPREME COURT COMMISSION.

ACT 2968.

To provide for the appointment of supreme court commissioners. [Stats. 1889, p. 13.]

Superseded 1893, 1.

ACT 2969.

Providing for the appointment of supreme court commissioners and their secretary. [Stats. 1893, p. 1.]

Continued 1897, 47, chap. LII; 1899, 11; 1901, 278; 1903, 178.

TITLE 485.

SUPREME COURT LIBRARY.

ACT 2974.

To provide a law library for the supreme court. [Stats. 1867-8, p. 659.]

Superseded by Political Code, secs. 2313-2316.

ACT 2975.

To authorize the justices of the supreme court to appoint a librarian for said court, and fixing a salary. [Stats. 1893, p. 132.]

TITLE 486.

ACT 3930. SUPREME COURT REPORTER.

Providing for the appointment of a deputy supreme court reporter. [Stats. 1881, p. 9.]

TITLE 487.

ACT 3935. SURVEYOR-GENERAL.

Authorizing the state surveyor-general to furnish his office and vault therein, and making an appropriation therefor. [Stats. 1903, p. 252.]

This act appears in full in Political Code, Appendix, p. 1113.

TITLE 488.

SURVEYORS.

ACT 3990.

An act to define the duties of and to license land surveyors.

[Approved March 31, 1891. Stats. 1891, p. 478.]

Amended 1903, 267.

Cal.Rep.Cit. 104, 67.

Section 1. Every person desiring to become a licensed land surveyor in this state must present to the state surveyor-general of this state a certificate that he is a person of good moral character; also, a certificate signed by three licensed surveyors, or a certificate signed by the board of examining surveyors (provided for in section five of this act), which certificate shall set forth that the person named therein is, in the opinion of the person[s] signing the same, a fit and competent person to receive a license as a land surveyor, together with his oath that he will support the constitution of this state and of the United States, and that he will faithfully discharge the duties of a licensed land surveyor, as defined in this act.

Sec. 2. Upon receipt of such certificate and oath by the state surveyor-general, it shall be his duty forthwith to issue to such applicant a license, without charge, which license shall set forth the fact that the applicant is a competent surveyor, or that he has had at least two years' experience in the field as a surveyor or assistant surveyor.

Sec. 3. Such license shall contain the full name of the applicant; the technical institution from which he is a

graduate (if he be a graduate), or if he be not a graduate, the fact must be stated in the license; his birthplace, age, and to whom issued; the name of the person upon whose certificate the license is issued, and the date of its issuance.

Sec. 4. All papers received by the state surveyor-general on application for licenses shall be kept on file in his office, and a proper index and record thereof shall be kept by him, and a list of all licensed land surveyors shall be kept by him, and he shall monthly transmit to the county recorder of each county in this state a full and correct list of all persons so licensed; and it is hereby made the duty of such recorders to keep such lists in their offices in such a way as they may be easily accessible to all persons.

Sec. 5. Within twenty days after the passage of this act, the governor shall appoint three surveyors in good standing, members of the Technical Society of the Pacific Coast, and two other surveyors in good standing, not members of such society, as a board of examining surveyors, who shall conduct such examinations and make such inquiries as to them may seem necessary to ascertain the qualifications of applicants for surveyors' licenses.

Sec. 6. A majority of the board of examining surveyors shall meet on the first Friday of each month during their term of office, in the rooms of the Technical Society of the Pacific Coast, in San Francisco, and at such other times and places as they may select. The members of the board shall hold office for the term of one year from the date of appointment, and shall serve without compensation.

Sec. 7. Every licensed surveyor shall have a seal of office, the impression of which must contain the name of the surveyor, his principal place of business, and the words "Licensed surveyor"; and all maps and papers signed by him, and to which said seal has been attached, shall be prima facie evidence in all the courts of this state.

Sec. 8. Surveyors' licenses, issued in accordance with this act, shall remain in force until revoked for cause, as hereinafter provided.

Sec. 9. Every licensed surveyor is authorized to administer and certify oaths, when it becomes necessary to take testimony to identify or establish old or lost corners; or, if a corner or monument be found in a perishable condition, and it appears desirable that evidence concerning

such corner or monument be perpetuated; or whenever the importance of the survey makes it desirable, to administer an oath for the faithful performance of duty to his assistants. A record of such oaths shall be preserved as a part of the field notes of the survey.

Sec. 10. Every licensed surveyor is hereby authorized to make surveys relating to the sale or subdivision of lands, the retracing or establishing of property or boundary lines, public roads, streets, alleys, or trails; and it shall be the duty of each surveyor, whenever making any such surveys, except those relating to the retracing or subdivision of cemetery or town lots, whether the survey be made for private persons, corporations, cities, or counties, to set permanent and reliable monuments, and such monuments must be permanently marked with the initials of the surveyor setting them.

Sec. 11. Within sixty days after a survey relating to the sale or subdivision of lands, the retracing or establishing of property and boundary lines, public roads, or trails, original cemetery or town sites, and their subdivisions, has been made by a licensed surveyor, he shall file with the recorder of the county in which such survey or any portion thereof lies, a record of survey. Such record shall be made in a good draughtsman-like manner, on one or more sheets of firm paper of the uniform size of twenty-one by thirty inches. This record of survey shall be either an original plat or a copy thereof, and must contain all the data necessary to enable any competent practical surveyor to retrace the survey. The record of survey must show: All permanent monuments set, describing their size, kind, and location with reference to the corners which they are intended to perpetuate; all bearing or witness trees marked in the field; complete outlines of the several tracts or parcels of land surveyed within courses, and lengths of boundary lines; the angles, as measured by Vernier readings, which the lines of blocks or lots, if the record relate to an original town-site survey, make with each other and with the center lines of adjacent streets, alleys, roads, or lanes; the variations of the magnetic needle with which old lines have been retraced; the scale of the map; the date of survey; a proper connection with one or more points of an original or larger tract of land, and the name of the same; the name of the

grant or grants, or of the townships and ranges within which the survey is located; the signature and seal of the surveyor; provided, that nothing in this section shall require a record to be made of surveys of a preliminary nature where no monuments or corners are established; provided further, that if the survey can be as well described in writing, or by a small diagram, or by both, the surveyor shall file with said recorder a record of such a survey, either in writing or by diagram, or by both writing and diagram. Such record shall be on one or more sheets of writing paper, drawing paper, or cloth, of a uniform size of eight by twelve and one half inches, and shall contain all the data as required on the larger record as described above; provided further, that if the survey relate to the retracing of lines of lots or tracts of land of which a map or plat is already on file in said recorder's office, and no changes are made in dimensions or angles, by the resurvey, from those given on said map or plat, the surveyor shall not be required to file a record of such a survey. [Amendment approved March 20, 1903. Stats. 1903, p. 267.]

Sec. 12. The record of surveys thus filed with the county recorder of any county must be by him pasted into a stub-book, provided for that purpose, and he must keep a proper index of such records, by name of owner, by name of surveyor, by name of grant, city, or town, and by United States subdivisions; and he shall make no charge for filing and indexing such records of surveys.

Sec. 13. Upon the failure of any licensed surveyor to comply with the requirements of this act and the furnishing of satisfactory proofs of such fact, the state surveyor-general must revoke his license, and no other license shall be issued to him within one year from such revocation. A violation of section eleven of this act shall be a misdemeanor, and any person convicted of such violation shall be punished by a fine not to exceed more than one hundred dollars, or imprisonment in the county jail not exceeding thirty days.

Sec. 14. In case said board shall refuse to meet and examine applicants for licenses as in this act provided, and issue to such applicants the certificate or certificates mentioned in this act, if such person be a fit and competent person to receive the same, they may be compelled

to do so by mandamus; and if upon the hearing of such mandamus it appears that they have willfully and wrongfully refused to examine any applicant, or to issue him a certificate when he is entitled to the same, such board so refusing or failing shall be, jointly and severally, liable for all cost of said mandamus proceeding, including attorney's fee of five hundred dollars, and shall be so jointly and severally liable to any person aggrieved by such refusal, in the sum of five hundred dollars, as fixed, settled, and liquidated damages, which may be recovered in any court in this state, and the judgment (if it be for plaintiff) in mandamus shall be prima facie evidence of such injury and damage in any action which may be brought to recover damages under the provisions of this act.

Sec. 15. All that part of the Code of Civil Procedure of this state relating to mandamus is hereby made applicable to the provisions of this act; and all proceedings in mandamus under this act shall be in accordance therewith.

Sec. 16. This act shall take effect on the first day of July, eighteen hundred and ninety-one.

TITLE 489.

SUTTER COUNTY.

ACT 3995.

Auditor and treasurer of to cancel certain certificates of the register of the state land office and certain controllers' warrants. [Stats. 1877-8, p. 324.]

ACT 3996.

Authorizing the transfer of funds. [Stats. 1875-6, p. 249.]

"Superseded by subd. 18, sec. 25, County Government Act, 1897, 463."—Code Commissioners' note.

ACT 3997.

To authorize the transfer of certain funds in. [Stats. 1877-8, p. 1020.]

This act authorized the transfer of funds from the road district fund to the school fund on the petition of a majority of the taxpayers.

ACT 3998.

To provide for a separate judge for each of the counties of Yuba and Sutter. [Stats. 1897, p. 48.]

ACT 3999.

To provide for the protection of certain lands in from overflow. [Stats. 1867-8, p. 316.]

Amended 1871-2, 307. Supplemented 1871-2, 734.

"Unconstitutional as to sec. 21. (Brandenstein v. Hoke, 101 Cal. 181; Wilson v. Supervisors, 47 Cal. 91.)—Code Commissioner's note. See, also, people v. Whyter, 41 Cal. 351; Moulton v. Parks, 64 Cal. 166, 182.

Cal.Rep.Clt. 47, 92; 51, 407; 62, 546; 64, 179; 92, 311; 131, 31.

ACT 4000.

Authorizing transcribing of records in. [Stats. 1858, p. 205.]

ACT 4001.

Roads and highways in. [Stats. 1873-4, p. 573.]

Repealed 1883, 5, chap. X, sec. 2.

ACT 4002.

School trustees, fixing time for election of. [Stats. 1875-6, p. 141.]

Repealed by Political Code, sec. 1593, as amended 1893, 247.

Consult, also, the following :—

ACT 4003.

Relating to levee district No. 1. [Approved March 19, 1889. Stats. 1889, p. 355.]

ACT 4004.

Relating to swamp-land district seventy. [Approved March 10, 1891. Stats. 1891, p. 62.]

ACT 4005.

Amending the act authorizing supervisors to construct bridge across Feather River. [Approved March 19, 1889. Stats. 1889, p. 323.]

Acts for the better protection of the treasury, see act 464, ante.

TITLE 490.**SUTTER CREEK.****ACT 4010.**

Town of, incorporating. [Stats. 1873-4, p. 887.]

Repealed 1875-6, 40.

ACT 4011.

Amador County, preventing hogs and goats running at large in. [Stats. 1875-6, p. 402.]

Repealed 1897, 198.

TITLE 491.

SUTTER'S FORT.

ACT 4016.

To provide for the acquisition of Sutter's Fort and appointing trustees therefor. [Stats. 1891, p. 25.]

ACT 4017.

For the appointment of a guardian of Sutter's Fort, and prescribing his duties. [Stats. 1895, p. 56.]

TITLE 492.

SWAMP AND OVERFLOWED LANDS.

ACT 4022.

To provide for the proper distribution, in the several county treasuries, of funds arising from the sale of swamp lands. [Approved March 28, 1874. Stats. 1873-4, p. 770.]

ACT 4023.

Fresno and Kern counties, providing for determining rights in certain swamp and overflowed lands in. [Stats. 1877-8, p. 358.]

Cal.Rep.Cit. 66, 566; 66, 568.

ACT 4024.

State treasury, providing for payment of certain controller's swamp-land warrants. [Stats. 1871-2, p. 873.]

This act pledged payments on swamp lands to the redemption of warrants.

ACT 4025.

Quieting title to certain lands. [Stats. 1873-4, p. 803.]

This act confirmed the title of certain swamp lands to J. P. Counts and Myron Smith.

ACT 4026.

Providing for the dissolution and annulment of swamp and overflowed land reclamation districts and protection districts for non-user of corporate powers. [Approved February 17, 1899. Stats. 1899, p. 13.]

ACT 4027.

To declare certain tide lands public grounds, and granting the same to the county of San Mateo in trust for the use of the public. [Approved February 27, 1893. Stats. 1893, p. 42.]

ACT 4028.

Quitclaiming to the successors in interest of James Bowman all claim of the state in "Water Lot No. 415," in San Francisco. [Approved March 11, 1893. Stats. 1893, p. 151.]

ACT 4029.

An act to determine that lands of this state are swamp and overflowed when returned as such by the United States surveyor-general.

[Approved March 31, 1891. Stats. 1891, p. 221.]

Section 1. Lands within this state which have been or may hereafter be returned by the United States surveyor-general as swamp and overflowed lands, and shown as such on approved township plats, shall, as soon as patents have been or may be issued therefor by this state, be held to be of the character so returned; provided, however, that nothing herein contained shall be construed to affect the rights of any homestead or pre-emption settler claiming under the laws of the United States, nor shall it affect any suit now pending in any court as between the parties thereto; provided, that nothing contained in this act shall be construed to prejudice the rights of any settler now or hereafter located upon said lands to perfect title to the same, if permitted under existing laws.

Sec. 2. This act shall take effect from and after its passage.

ACT 4030.

Quitclaiming to the successors in interest of Sallie C. Perry all claim of the state of California in that certain tract of land in the city and county of San Francisco known as "City Slip Lot number one hundred and sixteen," and empowering and directing the governor to execute a deed of quitclaim therefor to said successors in interest of said Sallie C. Perry. [Approved March 9, 1893. Stats. 1893, p. 102.]

ACT 4031.

An act regulating the sale of the lands uncovered by the recession or drainage of the waters of inland lakes, and unsegregated swamp and overflowed lands, and validating sales and surveys heretofore made.

[Approved March 24, 1893. Stats. 1893, p. 341.]

Amended 1899, 182.

Section 1. Any person desiring to purchase any of the lands uncovered by the recession or drainage of the waters of inland lakes, and inuring to the state by virtue of her sovereignty, or the swamp and overflowed lands not segregated by the United States, shall make an application therefor to the surveyor-general of the state, which application shall be accompanied by applicant's affidavit that he is a citizen of the United States, or has declared his intention to become such, a resident of this state, of lawful age, that he desires to purchase such lands (describing the same by legal subdivisions, or by metes and bounds if the legal subdivisions are unknown) under the provisions of this act; that he desires to purchase the same for his own use and benefit, and for the use and benefit of no other person or persons whomsoever, and that he has made no contract or agreement to sell the same, and that he does not own any state lands which, together with that now sought to be purchased, exceeds six hundred and forty acres.

Sec. 2. Upon the filing of said application, when the land has not been sectionized, the surveyor-general shall authorize the county surveyor of the county where the whole or the greater portion of the land lies to survey the same, who shall make an actual survey thereof, at the expense of the applicant, establishing four corners to each quarter section, and connecting the same with a United States survey; and he must, within thirty days, file with the surveyor-general a copy, under oath, of his field notes and plat, and a statement, under oath, showing whether or not the land is occupied by any actual settler.

Sec. 3. If the surveyor thus authorized shall fail to make his return to the surveyor-general within the time specified in the preceding section, the surveyor-general may designate another person to make the said survey.

Sec. 4. No application to purchase land under this act shall be approved by the surveyor-general until the expiration of ninety days from the filing thereof in his office, and meanwhile the land shall be subject to the adverse claim of any actual settler who has resided thereon when the said application was filed.

Sec. 5. The lands designated in this act shall be sold and patented at the price of two dollars and fifty cents per acre and on the same terms and manner of payment

as at present provided for swamp and overflowed lands. All moneys received for said lands shall be paid into the swamp land fund of the county in which the lands are situated, and shall be treated and disposed of in the same manner as moneys arising from the sale of segregated swamp and overflow lands, and all moneys heretofore received for the sale of such lands, and remaining in the treasury, shall be subject to the same provisions of law. If any of the lands described in this act are suitable for cultivation without reclamation, such lands shall be sold only to actual settlers in tracts not exceeding one hundred and sixty acres. [Amendment approved March 22, 1899. Stats. 1899, p. 182.]

Sec. 6. Any of the lands designated in this act which by reason of periodical overflow, need and are susceptible of reclamation may be reclaimed by the formation of districts in the same manner and subject to all of the provisions of law regulating the reclamation of swamp and overflowed lands; provided, that the board of supervisors of the county in which the lands, or the greater part thereof, are situated must first determine, upon proper petition presented therefor, by the holders of the title, or evidence of title, representing one half or more of any body of such land, that such reclamation is necessary and feasible.

Sec. 7. When land has been sold under this act, no contest shall be maintained against the purchaser on the ground that the land is not of the character stated in the application, unless it is shown that it is not of the character recited in section one of this act.

Sec. 8. All uncanceled certificates of purchase and patents heretofore issued and payments heretofore made for any lands as swamp and overflowed lands which lands belong to any of the classes described in section one of this act, whether or not such lands were segregated or sectionized, shall, for all purposes, be valid and shall have the same force and effect as if such lands had been at all times subject to sale as swamp and overflowed lands; provided, however, that any and all contests now existing between settlers and holders of certificates of purchase shall not be affected by the provisions of this act.

Sec. 9. All plats of any of the lands described in section one of this act which have been heretofore made

under authority of the United States surveyor-general, and which plats designate the same as swamp and overflowed lands, shall be deemed valid and effectual as surveys of such lands from and after the date thereof.

Sec. 10. This act shall take effect from and after its passage.

ACT 4032.

An act to abolish the state board of tide-land commissioners, and to repeal sections three hundred and sixty-five and six hundred and ninety-eight of the Political Code.

[Approved February 4, 1876. Amendments 1875-6, p. 15.]

Section 1. The state board of tide-land commissioners is hereby abolished.

Sec. 2. All books, maps, papers, and documents belonging to the archives of said board, and all other property of the state under its custody or control, must be deposited with and kept and preserved by the surveyor-general of the state.

Sec. 3. Sections 365 and 698 of the Political Code are hereby repealed.

Sec. 4. An act entitled "An act supplementary to and amendatory of An act supplementary to and amendatory of an act entitled An act to survey and dispose of certain salt-marsh and tide lands belonging to the state of California," approved March 30, 1868, also an act approved April 1, 1870, approved March 30, 1874, is hereby repealed.

Sec. 5. This act shall take effect and be in force from and after its passage.

Compare in connection with section 4 of this act section 3488 of Political Code, as amended in 1891.

ACT 4033.

To survey and dispose of certain salt-marsh and tide lands belonging to the state. [Stats. 1867-8, p. 716.]

Supplemented and amended 1869-70, 541; 1873-4, 858. Was continued in force by sec. 3488, Pol. Code. See, however, subd. 4 of the act of 1875-6, 15, act 4082, ante.

TITLE 493.

TAXATION.

ACT 4038.

Imposing a tax on the issue of certificates of stock corporations. [Stats. 1877-8, p. 955.]

Repealed 1897, 243.

ACT 4039.

Solvent debts, other than those secured by mortgage or other lien, taxation of. [Stats. 1873-4, p. 753.]

Repealed 1875-6, 772, chap. DVIII, amending codes.

ACT 4040.

An act to establish a tax on collateral inheritances, bequests, and devises, to provide for its collection, and to direct the disposition of the proceeds.

[Approved March 23, 1893. Stats. 1893, p. 193.]

Amended 1895, 33; 1897, 77; 1899, 101; 1903, 55, 268.

Cal.Rep.Cit. 117, 283.

The amendment of 1897 was unconstitutional. (Estate of Mahoney, 133 Cal. 180.) See, also, Estate of Stanford, 126 Cal. 112.

Section 1. All property which shall pass, by will or by the intestate laws of this state, from any person who may die seized or possessed of the same while a resident of this state, or if such decedent was not a resident of this state at the time of death, which property, or any part thereof, shall be within this state, or any interest therein or income therefrom which shall be transferred by deed, grant, sale, or gift, made in contemplation of the death of the grantor or bargainor, or intended to take effect in possession or enjoyment after such death, to any person or persons, or to any body politic or corporate, in trust or otherwise, or by reason whereof any person or body politic or corporate shall become beneficially entitled, in possession or expectancy, to any property, or to the income thereof, other than to or for the use of his or her father, mother, husband, wife, lawful issue, the wife or widow of a son, or the husband of a daughter, or any child or children adopted as such in conformity with the laws of the state of California, or to any person to whom the deceased, for not less than ten years prior to death, stood in the mutually acknowledged relation of a parent, or to any lineal descendant of such decedent born in lawful wedlock, or any lineal ancestor, or the societies, corporations, and institutions now or hereafter exempted by law from taxation, or to any public corporation, or to any society, corporation, institution, or association of persons engaged in or devoted to any charitable, benevolent, educational, public, or other like work (pecuniary profit not being its object or purpose), or to any person, society, corporation,

institution, or association of persons in trust for or to be devoted to any charitable, benevolent, educational, or public purpose, by reason whereof any such person or corporation shall become beneficially entitled in possession or expectancy, to any such property, or to the income thereof, shall be and is subject to a tax of five dollars on every hundred dollars of the market value of such property, and at a proportionate rate for any less amount, to be paid to the treasurer of the proper county, as hereinafter defined, for the use of the state; and all administrators, executors and trustees shall be liable for any and all such taxes until the same shall have been paid as hereinafter directed; provided, that an estate which may be valued at a less sum than five hundred dollars shall not be subject to such duty or tax.

Subd. 2. The exemptions contained in this act shall apply to all property which has passed, by will, succession, or transfer, since the approval of the act of which this act is amendatory, except in those cases where the tax has been paid to the treasurer of the proper county. [Amendment approved March 20, 1903. Stats. 1903, p. 268. In effect immediately.]

Sec. 2. When any grant, gift, legacy, or succession upon which a tax is imposed by section one of this act shall be an estate, income, or interest for a term of years, or for life, or determinable upon any future or contingent event, or shall be a remainder, reversion, or other expectancy, real or personal, the entire property or fund by which such estate, income, or interest is supported, or of which it is a part, shall be appraised immediately after the death of the decedent, and the market value thereof determined, in the manner provided in section eleven of this act, and the tax prescribed by this act shall be immediately due and payable to the treasurer of the proper county, and, together with the interest thereon, shall be and remain a lien on said property until the same is paid; provided, that the person or persons, or body politic or corporate, beneficially interested in the property chargeable with said tax, may elect not to pay the same until they shall come into the actual possession or enjoyment of such property, and in that case such person or persons, or body politic or corporate, shall execute a bond to the people of the state of California, in a penalty of twice the

amount of the tax arising upon personal estate, with such sureties as the said superior court may approve, conditioned for the payment of said tax, and interest thereon, at such time or period as they or their representatives may come into the actual possession or enjoyment of such property, which bond shall be filed in the office of the county clerk of the proper county; provided further, that such person shall make a full and verified return of such property to said court, and file the same in the office of the county clerk within one year from the death of the decedent, and within that period enter into such security, and renew the same every five years. [Amendment approved March 9, 1895. Stats. 1895, p. 33. In effect immediately.]

Sec. 3. Whenever a decedent appoints or names one or more executors or trustees, and makes a bequest or devise of property to them in lieu of commissions or allowances, which otherwise would be liable to said tax, or appoints them his residuary legatees, and said bequest, devise, or residuary legacies exceed what would be a reasonable compensation for their services, such excess shall be liable to said tax; and the superior court in which the probate proceedings are pending shall fix the compensation.

Sec. 4. All taxes imposed by this act, unless otherwise herein provided for, shall be due and payable at the death of the decedent, and if the same are paid within eighteen months no interest shall be charged and collected thereon, but if not so paid, interest at the rate of ten per centum per annum shall be charged and collected from the time said tax accrued; provided, that if said tax is paid within six months from the accruing thereof a discount of five per centum shall be allowed and deducted from said tax. And in all cases where the executors, administrators, or trustees do not pay such tax within eighteen months from the death of the decedent, they shall be required to give a bond, in the form and to the effect prescribed in section two of this act, for the payment of said tax, together with interest.

Sec. 5. The penalty of ten per centum per annum imposed by section four hereof for the non-payment of said tax shall not be charged in cases where, by reason of claims made upon the estate, necessary litigation, or other unavoidable cause of delay, the estate of any de-

cedent or a part thereof, cannot be settled at the end of eighteen months from the death of the decedent; and in such cases only seven per centum per annum shall be charged upon the said tax from the expiration of said eighteen months until the cause of such delay is removed.

Sec. 6. Any administrator, executor, or trustee having in charge or trust any legacy or property for distribution, subject to the said tax, shall deduct the tax therefrom, or if the legacy or property be not money he shall collect the tax thereon, upon the market value thereof, from the legatee or person entitled to such property, and he shall not deliver, or be compelled to deliver, any specific legacy or property subject to tax to any person until he shall have collected the tax thereon; and whenever any such legacy shall be charged upon or payable out of real estate, the executor, administrator, or trustee shall collect said tax from the distributee thereof, and the same shall remain a charge on such real estate until paid; if, however, such legacy be given in money to any person for a limited period, the executor, administrator, or trustee shall retain the tax upon the whole amount; but if it be not in money he shall make application to the superior court to make an apportionment, if the case require it, of the sum to be paid into his hands by such legatees, and for such further order relative thereto as the case may require. [Amendment approved March 9, 1895. Stats. 1895, p. 33. In effect immediately.]

Sec. 7. All executors, administrators, and trustees shall have full power to sell so much of the property of the decedent as will enable them to pay said tax, in the same manner as they may be enabled by law to do for the payment of debts of the estate, and the amount of said tax shall be paid as hereinafter directed.

Sec. 8. Every sum of money retained by an executor, administrator, or trustee, or paid into his hands, for any tax on property, shall be paid by him, within thirty days thereafter, to the treasurer of the county in which the probate proceedings are pending; and the said treasurer shall give, and every executor, administrator, or trustee shall take, duplicate receipts for such payment, one of which receipts said executor, administrator, or trustee shall immediately send to the controller of the state, whose duty it shall be to charge the treasurer so receiving the

tax with the amount thereof, and said controller shall seal said receipt with the seal of his office, and countersign the same, and return it to the executor, administrator, or trustee, whereupon it shall be a proper voucher in the settlement of his accounts; and an executor, administrator, or trustee shall not be entitled to credits in his accounts, nor be discharged from liability for such tax, nor shall said estate be distributed, unless he shall produce a receipt so sealed and countersigned by the controller, or a copy thereof certified by him.

Sec. 9. Whenever any debts shall be proven against the estate of a decedent after the payment of legacies or distribution of property from which the said tax has been deducted or upon which it has been paid, and a refund is made by the legatee, devisee, heir, or next of kin, a proportion of the tax so deducted or paid shall be repaid to him by the executor, administrator, or trustee, if the said tax has not been paid to the county treasurer or to the state controller, or by them, if it has been so paid.

Sec. 10. Whenever any foreign executor or administrator shall assign or transfer any stocks or loans in this state standing in the name of a decedent, or held in trust for a decedent, which shall be liable to the said tax, such tax shall be paid to the treasurer of the proper county on the transfer thereof; otherwise the corporation permitting such transfer shall become liable to pay such tax; provided, that such corporation had knowledge before such transfer that said stocks or loans are liable to said tax.

Sec. 11. When the value of any inheritance, devise, bequest, or other interest subject to the payment of said tax is uncertain, the superior court in which the probate proceedings are pending, on the application of any interested party, or upon his own motion, shall appoint some competent person as appraiser, as often as and whenever occasion may require, whose duty it shall be forthwith to give such notice, by mail, to all persons known to have or claim an interest in such property, and to such persons as the court may by order direct, of the time and place at which he will appraise such property, and at such time and place to appraise the same and make a report thereof, in writing, to said court, together with such other facts in relation thereto as said court may by order require to be filed with the clerk of said court; and from this report

the said court shall, by order, forthwith assess and fix the market value of all inheritances, devises, bequests, or other interests, and the tax to which the same is liable, and shall immediately cause notice thereof to be given, by mail, to all parties known to be interested therein; and the value of every future or contingent or limited estate, income, or interest shall, for the purposes of this act, be determined by the rule, method, and standards of mortality and of value that are set forth in the actuaries' combined experience tables of mortality for ascertaining the value of policies of life insurance and annuities, and for the determination of the liabilities of life insurance companies, save that the rate of interest to be assessed in computing the present value of all future interests and contingencies shall be five per centum per annum; and the insurance commissioner shall, on the application of said court, determine the value of such future or contingent or limited estate, income or interest, upon the facts contained in such report, and certify the same to the court, and his certificate shall be conclusive evidence that the method of computation adopted therein is correct. The said appraiser shall be paid by the county treasurer out of any funds that he may have in his hands on account of said tax, on the certificate of the court, at the rate of five dollars per day for every day actually and necessarily employed in said appraisement, together with his actual and necessary traveling expenses. [Amendment approved March 9, 1895. Stats. 1895, p. 34. In effect immediately.]

Sec. 12. Any appraiser appointed by virtue of this act, who shall take any fee or reward from any executor, administrator, trustee, legatee, next of kin, or heir of any decedent, or from any other person liable to pay said tax, or any portion thereof, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than two hundred and fifty dollars nor more than five hundred dollars, or imprisoned in the county jail ninety days, or both, and in addition thereto the court shall dismiss him from such service.

Sec. 13. The superior court in the county in which is situate the real property of a decedent who was not a resident of the state, or in the county of which the decedent was a resident at the time of his death, shall have jurisdiction to hear and determine all questions in relation

to the tax arising under the provisions of this act, and the court first acquiring jurisdiction hereunder shall retain the same, to the exclusion of every other.

Sec. 14. If it shall appear to the superior court, or judge thereof, that any tax accruing under this act has not been paid according to law, it shall issue a citation, citing the persons known to own any interest in or part of the property liable to the tax to appear before the court on a day certain, not more than ten weeks after the date of such citation, and show cause why said tax should not be paid. The service of such citation, and the time, manner, and proof thereof, and the hearing and determination thereon, and the enforcement of the determination or decree shall conform to the provisions of chapter twelve of title eleven of part three of the Code of Civil Procedure; and the clerk of the court shall, upon the request of the district attorney or treasurer of the county, furnish, without fee, one or more transcripts of such decree, and the same shall be docketed and filed by the county clerk of any county in the state, without fee, in the same manner and with the same effect as provided by section six hundred and seventy-four of said Code of Civil Procedure for filing a transcript of an original docket.

Sec. 15. Whenever the treasurer of any county shall have reason to believe that any tax is due and unpaid under this act, after the refusal or neglect of the persons interested in the property liable to said tax to pay the same, he shall notify the district attorney of the proper county, in writing, of such failure to pay such tax, and the district attorney so notified, if he have probable cause to believe a tax is due and unpaid, shall prosecute the proceeding in the superior court, as provided in section fourteen of this act, for the enforcement and collection of such tax. [Amendment approved March 9, 1895. Stats. 1895, p. 35. In effect immediately.]

Sec. 16. The county clerk of each county shall, every three months, make a statement, in writing, to the county treasurer, of the property from which, or the party from whom, he has reason to believe a tax under this act is due and unpaid.

Sec. 17. Whenever the superior court of any county shall certify that there was probable cause for issuing a

citation, and taking the proceedings specified in section fifteen of this act, the state treasurer shall pay, or allow, to the treasurer of any county, all expenses incurred for services of citation, and his other lawful disbursements that have not otherwise been paid. [Amendment approved March 9, 1895. Stats. 1895, p. 35. In effect immediately.]

Sec. 18. The county clerk of each county shall keep a book in which he shall enter the values of inheritances, devises, bequests, and other interests subject to the payment of said tax, and the tax assessed thereon, and the amounts of any receipts for payments thereon filed with him, which books shall be kept by him as public records. [Amendment approved March 9, 1895. Stats. 1895, p. 35. In effect immediately.]

Sec. 19. The treasurer of each county shall collect and pay the state treasurer all taxes that may be due and payable under this act, who shall give him a receipt therefor, of which collection and payment he shall make a report, under oath, to the controller, between the first and fifteenth days of May and December of each year, stating for what estate paid, and in such form and containing such particulars as the controller may prescribe; and for all such taxes collected by him and not paid to the state treasurer by the first day of June and January of each year he shall pay interest at the rate of ten per centum per annum.

Sec. 20. The treasurer of each county shall be allowed to retain, on all taxes paid and accounted for by him each year, under this act, in addition to his salary or fees now allowed by law, five per centum on the first fifty thousand dollars so paid and accounted for by him, three per centum on the next fifty thousand dollars so paid and accounted for by him, and one per centum on all additional sums so paid and accounted for by him.

Sec. 20½. The treasurer of each county, in his discretion, for the better furtherance of the purposes of this act, shall be allowed to employ such special attorney or attorneys, as he may deem necessary, who shall have all the authority conferred upon the district attorney by sections 14 and 15 of this act, and such attorney shall be paid (for his services) out of the fees now allowed the treasurer as provided in section 20 of this act, and that

in no case shall such compensation exceed the per centum allowed as such fees. [New section approved February 27, 1903. Stats. 1903, p. 55. In effect immediately.]

Sec. 21. Any person, or body politic or corporate, shall, upon payment of the sum of fifty cents, be entitled to a receipt from the county treasurer of any county, or a copy of the receipt, at his option, that may have been given by said treasurer for the payment of any tax under this act, to be sealed with the seal of his office, which receipt shall designate on what real property, if any, of which any decedent may have died seized, said tax has been paid, and by whom paid, and whether or not it is in full of said tax; and said receipt may be recorded in the clerk's office in the county in which said property is situated, in a book to be kept by said clerk for such purpose, which shall be labeled "Collateral Tax."

Sec. 22. All taxes levied and collected under this act shall be paid into the treasury of the state, for the uses of the state school fund.

Sec. 23. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

ACT 4041.

An act empowering boards of supervisors of any of the several counties of the state of California to levy a special tax for the purpose of displaying the products and industries of any county in the state at domestic or foreign expositions, for the purpose of encouraging immigration and increasing trade in the products of the state.

[Approved March 23, 1901. Stats. 1901, p. 589.]

The people of the state of California, represented in senate and assembly, do enact as follows:

Section 1. The boards of supervisors of the several counties within the state of California, or any of them, are hereby authorized and empowered to levy a special tax on the taxable property within their respective counties, for the purpose of creating a fund not exceeding ten thousand dollars in any one year in any one county, to be used for collecting, preparing, and maintaining an exhibition of the products and industries of the county at any domestic or foreign exposition, for the purpose of encouraging

immigration and increasing trade in the products of the state of California; provided, the total tax levies for such purposes in any one year shall not exceed two cents on each one hundred dollars of taxable property in the county, according to the assessment roll.

ACT 4042.

An act providing for the levy of a special tax for specific public improvements within municipalities.

[Became a law under constitutional provision without governor's approval, March 15, 1901. Stats. 1901, p. 296.]

The people of the state of California, represented in senate and assembly, do enact as follows:

Section 1. Whenever it shall be determined by the legislative body of any municipality within the state of California that the public interest of such municipality demands the acquisition, construction or completion of any municipal improvement, including bridges, water-works, water-rights, sewers, light or power works or plants, buildings for municipal uses, fire apparatus and street work, or other works, property or structures necessary or convenient to carry out the objects, purposes and powers of the municipality, the cost of which will be too great to be paid out of the revenues of the municipality to be received during the fiscal year, or years, in which such improvement is proposed to be made, a special tax, not to exceed the sum of fifty cents on each one hundred dollars, may be levied on the property assessed for purposes of taxation within said municipality, which said rate of taxation may be in addition to the annual rate of taxation allowed by law to be levied therein.

Sec. 2. Before said tax shall be levied by the legislative body of a municipality the question of the levy of such tax shall be submitted to the voters of the municipality at any general or special municipal election, or at a special election to be held for that purpose, and if two thirds of the votes cast upon the proposition of levying such tax shall be in favor of the levy thereof, then the levy shall be made; otherwise, the tax shall not be levied. Upon the ballots used at such election, the proposition to be voted for shall be stated in appropriate words and the same arranged so that the voter may indicate his choice

city or municipal corporation in the hands of the treasurer.

Sec. 3. The county auditor must, on or before the second Monday in August of each year, transmit to the board of trustees, common council, or other legislative body of such municipal corporation or city within such county, a statement, in writing, showing the total value of all property within each municipal corporation or city, respectively, which value shall be ascertained from the assessment books of such county for such year, as equalized and corrected by the board of supervisors of such county.

Sec. 4. Each board of trustees, common council, or other legislative body of such municipal corporation or city shall, on the first Monday in September, fix the rate of taxes, designated in the number of cents upon each hundred dollars, using as a basis the value of the property as assessed by the county assessor, and so returned to such board by the county auditor, as required by section two of this act, which rate of taxation shall be sufficient to raise the amount so fixed by such board, as required in section one of this act, which acts by said board are declared to be a valid assessment of such property and a valid levy of such rates so fixed. Such municipal or city board must immediately thereafter transmit to the county auditor of the county in which such municipal corporation or city is situated a statement of such rate so fixed by such municipal board.

Sec. 5. The auditor must then compute and enter in a separate column in the assessment book, to be headed "City Tax, City of —" (naming it), the respective sums in dollars and cents to be paid as a municipal or city tax on the property therein enumerated and assessed as being in any municipal corporation or city, using the rate of levy so fixed by such municipal board, and the assessed value as found in such assessment book. Such taxes so levied shall be collected at the same time and in the same manner as state and county taxes; and when collected the net amount as ascertained by sections six and seven of this act shall be paid to the treasurer of the municipal corporation or city to which it respectively belongs, under the general requirements and penalties provided by law for the settlement of other taxes; provided, however, that when such

city has by ordinance, a certified copy of which has been served upon the tax collector of such county, elected to avail itself of the provisions of section two of this act, then such tax collector shall pay the money belonging to such city or municipal corporation over to the treasurer of the county in which such city or municipal corporation is situated.

Sec. 6. The board of supervisors, on the filing of itemized statements by the county auditor and county tax collector, showing the additional expense to their offices of assessing and collecting these local taxes, may, by an order spread upon the minutes, deduct such expenses from the taxes of such municipal corporation or city, while in the hands of the county tax collector, and cover the same into the county salary fund; provided, that not more than one per cent shall be charged for collecting the first twenty-five thousand dollars so collected, and one fourth of one per cent for all sums over that amount.

Sec. 7. Whenever the board of trustees, common council, or other legislative body of any municipal corporation or city in this state has elected to avail itself of the provisions of section two of this act, the board of supervisors of such county shall also reserve as and for the expenses of the county treasurer, incurred by reason of the imposing of these duties upon him, the sum of one fourth of one per cent, which sum shall be deducted from the money collected by the county tax collector, and covered in to the county treasurer into the county salary fund.

Sec. 8. Whenever the board of trustees, common council, or other legislative body of any municipal corporation or city in this state shall have availed itself of the provisions of this act, all duties, other than the assessing of the property of such city or municipal corporation, belonging to the office of the city assessor shall be transferred to and performed by the clerk of such city or municipal corporation; and all duties, other than the collection of taxes, belonging to the office of city tax collector shall be transferred to and be performed by the city marshal or chief of police of such city or municipal corporation, and thereafter the office of city assessor, and city tax collector, and city treasurer may be by ordinance abolished.

Sec. 9. Whenever any real property situate in any city or municipal corporation which has availed itself of the provisions of this act has been sold for taxes and has been redeemed, the money paid for such redemption shall be apportioned by the county treasurer to such city or municipal corporation in the proportion which the tax due to such city or municipal corporation bears to the total tax for which such real property was sold.

Sec. 10. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

Sec. 11. This act shall take effect immediately.

ACT 4044.

An act to provide for the levy and collection of taxes by and for the use of municipal corporations and cities incorporated under the laws of the state, excepting municipal corporations of the first, second, third, and fourth classes, and cities operating under a charter framed under section eight, article eleven, of the constitution.

[Approved March 2, 1891. Stats. 1891, p. 22.]

Cal.Rep.Cit. 103, 664.

Section 1. The board of trustees, common council, or other legislative body of any municipal corporation or city in this state, excepting municipal corporations of the first, second, third, and fourth classes, and cities operating under a charter framed under section eight, article eleven, of the constitution, shall have power and it shall be their duty to fix, by ordinance, the amount of money necessary to be raised by taxation upon the taxable property therein, as a revenue to carry on the various departments of such corporation or city for the current year, not to exceed the limit fixed by law, and to pay the bonded or other indebtedness of such municipal corporation or city. The board of trustees, common council, or other legislative body shall meet for such purpose, and shall so ascertain and fix said amount, on the first Monday in August of each year; provided, however, that the provisions of this act shall not apply to or be in force in any city or municipal corporation until its board of trustees, common council, or other legislative body shall have passed an ordinance electing to avail itself of the provisions of this

act, and filed a certified copy of the same with the auditor of the county in which such municipal corporation or city is situated, on or before the first Monday in March of each year.

Sec. 2. The county auditor must, on or before the third Monday in August of each year, transmit to the board of trustees, common council, or other legislative body of each municipal corporation or city within such county a statement, in writing, showing the total value of all property within each municipal corporation or city, respectively, which value shall be ascertained from the assessment book of such county for such year, as equalized and corrected by the board of supervisors for such county.

Sec. 3. Each board of trustees, common council, or other legislative body of such municipal corporation or city shall, on the first Monday of October, fix the rate of taxes, designating the number of cents upon each hundred dollars, using as a basis the value of property as assessed by the county assessor and so returned to such board by the county auditor, as required in section two of this act, which rate of taxation shall be sufficient to raise the amount so fixed by such board, as required in section one of this act, which acts by said board are declared to be a valid assessment of such property and a valid levy of such rates so fixed. Such municipal or city board must immediately thereafter transmit to the county auditor of the county in which such municipal corporation or city is situated a statement of such rate so fixed by such municipal board.

Sec. 4. The auditor must then compute and enter in a separate column in the assessment book, to be headed "City Tax, City of ——" (naming it), the respective sums, in dollars and cents, to be paid as a municipal or city tax on the property therein enumerated and assessed as being in any municipal corporation or city, using the rate of levy so fixed by such municipal board and the assessed value as found in such assessment book; such taxes so levied shall be collected at the same time and in the same manner as state and county taxes; and when collected the net amount as ascertained by section five shall be paid to the treasurer of the municipal corporation or city to which it respectively belongs, under the general require-

ments and penalties provided by law for the settlement of other taxes.

Sec. 5. The board of supervisors, on the filing of itemized statements by the county auditor and county tax collector showing the additional expense to their offices of assessing and collecting these local taxes, may, by an order spread upon its minutes, deduct such expenses from the taxes of each municipal corporation or city, while in the hands of the county tax collector, and cover the same into the county salary fund.

Sec. 6. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

ACT 4045.

An act in relation to reassessment of property, the equalization of the same, and the collection of taxes thereon, in cases where a former assessment made since eighteen hundred and seventy-nine is illegal or invalid, or where the proceedings for the collection of such taxes have been ineffectual by reason of error, irregularity, or invalidity, and such taxes have not been paid.

[Approved March 23, 1898. Stats. 1898, p. 290.]

Cal.Rep.Cit. 124, 500; 125, 498.

Section 1. Every assessment of property made after the year one thousand eight hundred and seventy-nine which is invalid, or may hereafter be adjudged to be, by reason of any illegality, invalidity, or irregularity declared or existing, in the assessment of such property, or in the mode provided for the assessment thereof, shall be remade, and the property reassessed and equalized for each year for which such assessment is invalid as aforesaid, and for the year for which the assessment of such property was invalid as aforesaid, and such reassessment and equalization shall be made by the same officers and boards at the same time or times, as are now prescribed by law for the assessment and equalization of property, of the same classes or kinds as the property which hereby is required to be reassessed. The assessment and equalized assessment of such property shall be entered on the several assessment rolls or books in the same manner that assessments of such property are or were required by law to be entered for the year or years during which

such reassessments shall be made. And there is hereby levied for state purposes the same rates of taxation for each of such respective years as were heretofore levied upon such property for each of said years for said state purposes.

Sec. 2. All taxes for counties, cities and counties, and other taxing districts, shall be levied by the proper board or boards upon the property mentioned in the first section of this act, at the same rates for each respective year as were levied upon property for each of said years after the year eighteen hundred and seventy-nine.

Sec. 3. All property authorized to be reassessed by this act shall be reassessed and equalized by the proper officers and boards at the value to which and to the person or corporation to whom or to which such property ought, for each of such years, to have been assessed, under such rules of notice and at the times and in the modes as are prescribed for the assessment and equalization of like classes of property; and the assessment and equalization thereof, and the levy and collection of taxes thereunder, shall be made by the proper officers at the time, upon like notice and in the manner now or hereafter provided by law for making assessments and equalizing the same and for the levy and collection of taxes on like classes of property; and if the taxes so relieved shall become delinquent, there shall be added thereto and the amount thereof the same percentage as a penalty for such delinquency, as is added to other delinquent taxes on like classes of property, and such delinquent taxes and penalties added thereto shall be collected by the proper officers in the manner now or hereafter provided by law for the collection of delinquent taxes and penalties upon like classes of property; the collectors of such taxes to allow as credits thereon all payments heretofore made on the tax as first levied.

Sec. 4. There shall be no limitation or limitations as to the time in which actions for the collections of taxes levied under this act may be commenced, and all the provisions of law now or hereafter provided in respect to assessments, equalization, levy, and collection of taxes shall, where applicable, apply to reassessments, equalization, and relieves and collections of taxes made under the provisions of this act.

Sec. 5. This act shall apply to taxes for revenue only, and not to assessments for local improvements or street purposes.

Sec. 6. This act shall take effect and be in force on and after its passage.

ACT 4046.

An act authorizing the payment of compensation or commission to persons employed by the state controller and attorney-general, or by boards of supervisors of the different counties, to collect delinquent state and county taxes, and legalizing all payments made for that purpose.

[Approved March 26, 1895. Stats. 1895, p. 94.]

The people of the state of California, represented in senate and assembly, do enact as follows:

Section 1. That all sums heretofore paid by the state to any person for compensation or commission to persons for collecting delinquent state and county taxes in pursuance of an agreement by such persons with the state controller and attorney-general for such collections, and all sums heretofore paid by any board of supervisors out of the county treasury as compensation or commissions for collecting such delinquent taxes in pursuance of an agreement by such persons with such boards of supervisors, are hereby approved and legalized.

Sec. 2. This act shall take effect and be in force from and after its passage.

ACT 4047.

To abolish commissions or fees paid by the state for the assessment equalization, auditing, and collection of ad valorem taxes. [Approved February 23, 1893. Stats. 1893, p. 5.]

Cal.Rep.Cit. 132, 267.

ACT 4048.

To abolish commissions or fees paid by the state for the assessment, equalization, auditing, and collection of ad valorem taxes. [Approved March 14, 1899. Stats. 1899, p. 102.]

ACT 4049.

To prevent the maintenance against the state or any officer thereof by any county or county officer, of any

action or proceeding for the collection or recovery of any money alleged to be due such county or any officer thereof for services rendered in the assessment, equalization, auditing, and collection of ad valorem taxes. [Approved February 16, 1899. Stats. 1899, p. 9.]

Cal.Rep.Cit. 162, 277.

ACT 4050.

Prohibiting the payment of money by the state to counties and cities and counties for the collection of taxes. [Approved March 4, 1899. Stats. 1899, p. 56.]

ACT 4051.

An act to repeal an act of the legislature of the state of California entitled "An act in relation to the assessment and collection of taxes upon personal property in the city and county of San Francisco," approved March 18, 1874, and requiring all counties and cities and counties of this state to conform to the requirements of the provisions of the Political Code in relation to the assessment, equalization, levy, and collection of taxes for revenue purposes.

[Approved March 28, 1895. Stats. 1895, p. 308.]

The people of the state of California, represented in senate and assembly, do enact as follows:

Section 1. An act entitled "An act in relation to the assessment and collection of taxes upon personal property in the city and county of San Francisco," approved March eighteenth, eighteen hundred and seventy-four, is hereby repealed.

Sec. 2. All counties and cities and counties of this state are hereby required to conform to the provisions of the Political Code in relation to the assessment, equalization, levy and collection of taxes on real and personal property for revenue purposes, and all laws now in force in relation to revenue are hereby made applicable to all such counties and cities and counties.

Sec. 3. All acts and parts of acts in conflict with this act are hereby repealed.

Sec. 4. This act shall take effect immediately.

The act of 1873-4 was declared unconstitutional in *People v. Pittsburg R. R. Co.*, 67 Cal: 425.

ACT 4053.

An act concerning the assessment of animals.

[Approved March 30, 1872. Stats. 1871-2, p. 754.]

Attempted to be modified by 1873-, 376, which was, however, declared unconstitutional in *People v. Townsend*, 56 Cal. 634. The decision seems applicable to both statutes.

Assessment of animals temporarily pasturing in any county.

Section 1. Whenever any person residing in any county of the state, and owning any neat cattle, horses, mules, sheep, or goats therein, shall drive the same from the county where he resides into any other county, for the purpose of temporarily pasturing the same, all such animals shall be assessed in and for the county where such owner resides, although the said animals shall not be at the time of said assessment in said county in which he may so permanently reside; and such owner shall include such animals in his assessment list, and the assessor of the county where such stock are so temporarily grazed shall list the same, with a full description of each kind and the number of the same; and for the purpose of making such list, the assessor shall have power, and it is hereby made his duty, to examine on oath the person or persons owning or having charge of such cattle, horses, mules, sheep, or goats, touching their number, ownership, and to whom and in what county, if any, they have been assessed for taxation. The list made out as aforesaid by the assessor, together with a full statement of the same, shall be signed and sworn to by the person or persons owning or having in charge such stock.

Duties of assessors and treasurers.

Sec. 2. The assessor shall file a copy of said list of such stock with the county treasurer of his county, and another copy with the treasurer of the county in which the said stock was first listed and assessed for taxation. Upon filing the lists aforesaid, with the sworn statement therein that the stock specified in said lists has been pastured or used in the county mentioned therein during the grazing season, with the treasurer of the county in which it was assessed for taxation, said treasurer shall pay, on the order of the treasurer of the county in which the stock was so pastured or used, one half of the amount

of taxes paid in on the said stock, less the cost of collection.

Sec. 3. All acts or parts of acts in conflict with this act, so far as they are in conflict with this act, are hereby repealed.

Sec. 4. This act shall take effect from and after its passage.

ACT 4053.

To regulate the assessment of migratory herds or bands of livestock, and to provide for an equitable distribution of the taxes derived therefrom. [Approved March 16, 1874. Stats. 1873-4, p. 376.]

Supplemented 1875-6, 797. Unconstitutional. (People v. Townsend, 56 Cal. 633.)

ACT 4054.

In relation to moneys belonging to the state derived from taxes assessed on mortgages. [Approved March 30, 1872. Stats. 1871-2, p. 762.]

Not in force. It related to moneys received as taxes on notes secured by mortgage in the years 1870 and 1871.

ACT 4055.

Tax sales, legalizing certain notices of. [Stats. 1873-4, p. 140.]

This act validated the proceedings of tax collectors in 1874.

ACT 4056.

Relief of taxpayers whose lands have been sold to the state. [Stats. 1875-6, p. 637.]

This act applied to lands sold for the years 1874 and 1875, and gave one year to redeem.

ACT 4057.

For the relief of taxpayers whose lands have been sold to the state. [Stats. 1877-8, p. 951.]

"Probably superseded by 1880, 9, chap. XI, and by Political Code, sec. 3780, as amended 1895, 328."—Code Commissioners' note.

This act gave taxpayers the right of redemption.

ACT 4058.

Granting relief to taxpayers whose lands have been sold to the state. [Stats. 1880, p. 9.]

Probably superseded by Political Code, sec. 3780, as amended 1895, 328.

This act gave a right of redemption.

ACT 4059.

An act to confirm, validate and legalize certificates of tax sales and tax deeds executed to the state of California for property sold and deeded thereto for non-payment of taxes.

[Approved February 28, 1903. Stats. 1903, p. 63.]

The people of the state of California, represented in senate and assembly, do enact as follows:

Section 1. That all certificates of tax sales and tax deeds made to this state by the county tax collector, which certificates and deeds are based upon the sale of property for non-payment of taxes, and which certificates and deeds fail to recite the correct date, or any date, when the right of redemption will expire, or had expired, or which certificates recite an incorrect date when the state would be entitled to a deed, be and they are hereby confirmed, validated, and legalized, and the same shall be construed and operate at all times and upon all occasions in law in the same manner as if such matters and things required by law had been recited therein and performed in the first instance; provided, that in all cases five years shall have elapsed between the date of sale of the property to the state for non-payment of taxes and the date of the execution of such deed.

Sec. 2. This act shall take effect immediately.

ACT 4060.

An act authorizing and providing for suits for the collection of delinquent taxes due upon personal property.

[Approved March 13, 1903. Stats. 1903, p. 130.]

The people of the state of California, represented in senate and assembly, do enact as follows:

Section 1. Each county and city and county may sue in its own name for the recovery of any and all moneys due or hereafter to become due as delinquent taxes upon any and all personal property, where no real property is assessed as security for the payment of such personal property taxes, or where, in the judgment of the board of supervisors, there is not sufficient real property assessed to secure the payment of such personal property taxes, whether the same be for county or city and county,

and state purposes, or either of them, and for all penalties due upon said taxes for non-payment thereof.

Sec. 2. On the trial of any such suit the assessment roll of said county or city and county, or a copy of any entry therein duly certified, showing unpaid taxes against the defendant, or, in cases where the defendant is sued in a representative capacity, against any person or estate he represents, shall be prima facie evidence of the plaintiff's right to recover.

Sec. 3. All actions now pending for the collection of such taxes may be carried on and prosecuted under the provisions and in accordance with this act.

Sec. 4. All acts and parts of acts in conflict with this act are hereby repealed, but the method of collecting such taxes herein provided shall not be deemed to be the exclusive method, nor shall the provisions of this act in any manner abrogate or modify the provisions of sections 3831 or 3899 of the Political Code of the state of California.

Sec. 5. This act shall take effect and be in force immediately from and after its passage.

ACT 4061.

An act prescribing the form of complaint in actions to recover delinquent taxes, and to authorize the bringing of suits therefor.

[Approved April 23, 1880. Stats. 1880, p. 136 (Ban. ed. 402).]

Repealed in part by Political Code, sec. 3670, as amended 1883, 65. (San Diego v. Southern Pacific R. Co., 108 Cal. 46.) On the point as to whether this act is still in force, see San Bernardino Co. v. Southern Pac. R. R. Co., 70 Pac. 782.

Cal. Rep. Cit. 61, 253; 61, 254; 69, 648; 73, 612; 75, 173; 91, 484; 99, 595; 99, 599; 108, 46; 137, 661.

Form of complaint in action for delinquent taxes.

Section 1. In any action that may be hereafter commenced in any county, or city and county, in this state, for the collection of delinquent taxes for any fiscal year, the complaint may be in the following form, and shall be legally sufficient, and on the trial thereof the duplicate assessment roll for any said fiscal year, of said county, or city or county, or a copy of any entry therein duly

certified, showing unpaid taxes against the defendant, or in cases where the defendant is sued in a representative capacity against any person or estate he represents, shall be prima facie evidence of the plaintiff's right to recover:

(Title of court.) (Name of plaintiff) vs. (name of defendant.) Plaintiff avers that defendant is indebted to plaintiff in the sum of \$—— (naming the amount for county, or city and county), taxes, with five per cent penalty added thereto for the non-payment thereof, and interest thereon at the rate of two per cent per month from the (date), and fifty cents costs of advertising. Plaintiff further avers that defendant is indebted to plaintiff in the further sum of \$—— (naming amount), for state taxes, with five per cent penalty added thereto for the non-payment thereof, and interest thereon at the rate of two per cent per month from (date), and fifty cents costs of advertising, which said taxes were duly assessed and levied upon (the real or personal) property of said defendant, to wit: (describing property as assessed), for the fiscal year (naming the year). Wherefore, plaintiff prays judgment against said defendant, for said several sums, with interest and penalty as aforesaid, and costs of suit.

(Signature of attorney.)

And in any case where the defendant is sued in a representative capacity, such other further or additional allegations as may be necessary to charge him in such capacity; and it is further provided, that any county, or city and county, where such taxes are delinquent, may sue in its own name for the recovery of delinquent taxes, whether the same be for county, or city and county, and state purposes, or taxes, or either of them.

Sec. 2. This act shall take effect and be in force from and after its passage.

ACT 4062.

To protect the county treasuries of certain counties. [Approved March 16, 1874. Stats. 1873-4, p. 393.]

This act provides that the assessors of Siskiyou, Calaveras, Amador, and Alpine counties should pay the salaries of deputies employed by them. It was probably repealed by the County Government Act.

ACT 4062.

Firemen in certain counties, to be exempt from payment of poll tax. [Stats. 1873-4, p. 731.]

Repealed 1875-6, 287.

This act exempted the firemen of the counties of Nevada, Placer, El Dorado, Alameda, and Siskiyou.

TITLE 494.

TEHAMA COUNTY.

ACT 4068.

To protect agriculture and prevent trespassing of animals in. [Stats. 1873-4, p. 853.]

Amended 1875-6, 643.

"Modified and probably repealed by 1877-8, 176, chap. CXXXVI, and 1897, 198, and by the estray law of 1901, 603."—Code Commissioners' note.

ACT 4069.

Relating to salary and duties of assessor of. [Stats. 1871-2, p. 756.]

Repealed by County Government Act, 1897, 452.

ACT 4070.

Canal companies in, authorizing incorporation of. [Stats. 1871-2, p. 732.]

Supplementing act of April 2, 1870.

ACT 4071.

Cemeteries in, supporting. [Stats. 1871-2, p. 872.]

ACT 4072.

Relating to certain officers of. [Stats. 1871-2, p. 755.]

Repealed by County Government Act, 1897, 452, sec. 193.

This act fixed the salary of the district attorney and permitted the county clerk to hire a deputy.

ACT 4073.

Refunding debt of. [Stats. 1875-6, p. 69.]

ACT 4074.

Partition fences in. [Stats. 1875-6, p. 207.]

ACT 4075.

Authorizing transcribing records of Tehama County from the records of Colusa, Shasta, and Butte counties. [Stats. 1859, p. 151.]

1882 TEHAMA, TOWN OF--TELEGRAPH LINES.

ACT 4076.

Road poll tax. [Stats. 1873-4, p. 431.]

As to assessors retaining fees, repealed by County Government Acts, see 1897, 552, sec. 193.

ACT 4077.

Road poll tax and hospital poll tax. [Stats. 1877-8, p. 211.]

Repealed as to poll tax by Political Code, sec. 2652, and by the provisions of the various County Government Acts.

ACT 4078.

**Redistricting and reorganizing board of supervisors.
[Stats. 1873-4, p. 816.]**

Superseded by County Government Acts, see 1897, 452.

ACT 4079.

**Making treasurer of ex-officio tax collector. [Stats. 1873-4,
p. 796.]**

Amended 1875-6, 232. Repealed by County Government Acts, see 1897, 452.

TITLE 495.

ACT 4084. TEHAMA, TOWN OF.

**To prevent hogs from running at large in. [Stats. 1873-4,
p. 776.]**

Repealed 1877-8, 79.

TITLE 496.

ACT 4089. TELEGRAPH LINES.

**Concerning telegraphic messages and to secure secrecy
and fidelity in the transmission thereof. [Stats. 1861,
p. 380.]**

Superseded by statute of 1862, 288.

ACT 4090.

**For regulating telegraphs and to secure secrecy and
fidelity in the transmission of telegraphic messages.
[Stats. 1862, p. 288.]**

Amended 1863-4, 232.

"As to Penal provisions, superseded by Penal Code (see secs. 619-621, 630; Civil Code, sec. 1017); but section 17, relating to contracts and communications, probably remains in force."--Code Commissioners' note.

ACT 4001.

Providing for the construction of a telegraph line between the Atlantic and the Pacific. [Stats. 1865-6, p. 102.]

ACT 4002.

Providing for the construction of a telegraph line from San Jose to San Bernardino. [Stats. 1865-6, p. 308.]

Amended 1867-8, 530.

ACT 4003.

Authorizing telegraph between Los Angeles and Wilmington. [Stats. 1871-2, p. 87.]

ACT 4004.

Telegraphic communication between America and Asia, act to facilitate. [Stats. 1871-2, p. 97.]

TITLE 407.**THEATERS.****ACT 4009.**

An act making it unlawful to refuse admission to places of amusement.

[Approved March 23, 1893. Stats. 1893, p. 220.]

Section 1. It shall be unlawful for any corporation, person, or association, or the proprietor, lessee, or the agents of either, of any opera-house, theater, melodeon, museum, circus, caravan, race-course, fair, or other place of public amusement or entertainment, to refuse admittance to any person over the age of twenty-one years who presents a ticket of admission acquired by purchase, and who demands admission to such place; provided, that any person under the influence of liquor, or who is guilty of boisterous conduct, or any person of lewd or immoral character, may be excluded from any such place of amusement.

Sec. 2. Any person who is refused admission to any place of amusement contrary to the provisions of this act is entitled to recover from the proprietor, lessee, or their agents, or from any person, association, corporation, or the directors thereof, his actual damages and one hundred dollars in addition thereto.

Sec. 3. This act shall take effect immediately.

TITLE 498.

THISTLE.

ACT 4104.

Thistle, Scotch or Canada, act to prevent propagation of in the counties of Humboldt, Siskiyou, Klamath, Del Norte, and Alameda. [Stats. 1871-2, p. 214.]

TITLE 499.

TIA JUANA FLOOD.

ACT 4109.

Appropriation for the benefit of the sufferers of the Tia Juana flood. [Stats. 1891, p. 450.]

Unconstitutional. (Patty v. Colgan, 97 Cal. 251.)

TITLE 500.

TORRENS LAND SYSTEM.

ACT 4114.

An act to create a special commission for the purpose of examining and reporting to the thirty-first session of the legislature on the Torrens land transfer act of Australia, and making an appropriation therefor.

[Approved March 9, 1893. Stats. 1893, p. 121.]

Section 1. A special commission of five persons, four of whom shall be members of the legal profession, is hereby created for the purpose of examining the methods of land transfer and registration as existing under the Torrens land transfer act of Australia, and of preparing a system for the state of California in accordance with said act; and of reporting the same, with an opinion thereon, to the thirty-first session of the legislature of the state of California.

Sec. 2. The members of such commission shall be appointed by the governor within twenty days after the passage of this act; and within ten days from such appointment said commissioners shall meet and organize themselves into a board, at the place in which the majority of said commissioners shall have their residences. The members of said commission shall receive no salary.

Sec. 3. The state printer shall print such reports as said commission may make.

Sec. 4. There is hereby appropriated the sum of five hundred dollars (\$500) out of any money in the state

treasury not otherwise appropriated, for the contingent expenses of said commission, and the state controller shall draw a warrant on the state treasurer for such sum.

Sec. 5. This act shall take effect immediately.

ACT 4115.

An act for the certification of land titles and the simplification of the transfer of real estate.

[Approved March 17, 1897. Stats. 1897, p. 138.]

The people of the state of California, represented in senate and assembly, do enact as follows:

County recorders ex-officio registrars.

Recorders to be registrars.

Section 1. Recorders and ex-officio recorders in the several counties of this state shall be registrars of titles in their respective counties, and their deputies shall be deputy registrars. All laws relative to recorders and their deputies, including their compensation, clerk hire, and expenses, shall extend to registrars and their deputies, so far as the same may be applicable, except as in this act otherwise provided. Registrars of titles shall be county officers within the meaning of the laws of this state.

Bonds of recorders to cover their duties as registrars.

Sec. 2. The official bonds now required by law to be given by recorders and ex-officio recorders before entering upon the discharge of their duties, shall also apply to and cover the faithful discharge of their duties as registrars, whether such additional condition be specifically provided for in such bonds or not.

Deputies may act.

Sec. 3. Deputies may perform any and all duties of the registrar, in the name of the registrar, and the acts of such deputies shall be held to be the acts of the registrar.

Registrar and deputy not to practice law.

Sec. 4. Registrars and deputy registrars are prohibited from practicing law, or acting as attorneys or counselors at law, or having as a partner a lawyer or any one who acts as such, or from acting as searchers of title under this act.

be increased from time to time by order of the court. Such bonds shall be recorded in the record of official bonds in the recorder's office of the county and then filed in the county clerk's office. Said bond shall be conditioned to pay all damages and costs which the state may sustain by reason of any error or insufficiency in said abstract. The sureties on such bond shall qualify as provided in section ten hundred and fifty-seven of the Code of Civil Procedure, and the sufficiency of the bond and of the sureties thereon shall be approved by a judge of the superior court of the county where such bond is to be filed. The sureties upon such bond may become severally liable in portions of not less than five hundred dollars each, making in the aggregate at least two sureties for the whole sum. Said bond shall be renewed as often, at least, as once in every period of three years.

Registration of fee simple must precede all else.

Sec. 7. No mortgage, lien, charge, or lesser estate than a fee simple shall be registered unless the fee simple to the same land is first registered.

Registration not to be refused because of incumbrance.

Sec. 8. It shall not be an objection to bringing land under this act, that the estate or interest of the applicant is subject to any outstanding lesser estate, mortgage, lien, or charge; but every such lesser estate, mortgage, lien, or charge shall be noted upon the certificate of title and the duplicate thereof, and the title or interest certified shall be subject only to such estates, mortgages, liens, and charges as are so noted, except as herein provided.

No registration based on tax title until after five years adverse possession.

Sec. 9. No title derived through sale for any tax or assessment shall be entitled to be first registered, unless it shall appear to the satisfaction of the court, upon the hearing of the application, that the applicant, or those through whom he claims title, have been in the open, actual, continuous, uninterrupted, undisputed, exclusive, and adverse possession of the land under such title at least five years, and have paid all taxes and assessments legally levied thereon for five successive years.

Amendment to application verified.

Sec. 10. The application may be amended only by petition verified as in the case of the original. Such amendment may be ordered by the court on its own motion, or upon the motion of any person interested in the proceeding.

Filing of application to be notice to subsequent purchasers.

Sec. 11. The filing of the application in the office of the county clerk shall be sufficient notice of the same to all subsequent purchasers or incumbrancers without the filing of a *lis pendens* in the office of the recorder.

Court to dismiss application, or set it for hearing.

Sec. 12. The court shall, in its discretion, examine the abstract itself, or refer the same, as provided in section eighteen of this act. If it shall appear to the court, from an examination of the abstract, or from the report of the referee, that the title to the land described in the application is substantially as alleged by the applicant, the application shall be set for hearing, otherwise the court may order the application dismissed.

Notice of hearing to be given; any one may appear and object; costs.

Sec. 13. When the time and place for hearing the application is fixed by the court, notice thereof shall be given to all parties interested, as shown by the petition and the abstract or referee's report, and to the husband or wife of the applicant, if married, and the owners of adjoining lands, in the same manner as the service of a summons in a civil action, and by publication for at least four weeks, in some newspaper of general circulation, to be designated by the court; provided, that no copy of abstract or map need be served with the petition. Any person interested may appear and object to the granting of the application, and if such objection is sustained, the costs of the same shall be paid by the applicant; if not, by the person so objecting. The time for appearance after service shall be the same as in the case of a civil action.

Upon the hearing the court to take evidence on the allegations of petition; and may adjourn hearing.

Sec. 14. Upon the day set for the hearing of the appli-

cation, or at such time as the same may be continued to, the court shall cause examination to be made into the applicant's title to the land in question, and shall hear testimony as to the allegations of the petition, or of any objections thereto; and if any defects are found in the application, or in the applicant's title to the land, or if any of the allegations of the petition are found to be untrue, or any objections to said petition are sustained, the court may dismiss such application, or may give the applicant such further time as the court may deem reasonable, before finally passing upon his application.

Decree setting forth title to be made by court on granting application.

Sec. 15. If it shall be made to appear, to the satisfaction of the court, that the notice required by section thirteen has been duly given and served; that the facts stated in the application are true, and that the applicant is the owner of the land, or interested therein, as set forth in the petition, the court shall duly make, give and enter a decree to that effect, which said decree shall contain an accurate description of the property in question, with a diagram thereof, and also shall set forth all liens and incumbrances on said land, with the name of the holder thereof, and the nature, amount, and order of the same, and, if recorded, the book and page of the record. Any party aggrieved by such decree may appeal therefrom in the manner now or hereafter provided by law for appeals in civil actions.

Registrar to issue certificate of title upon filing of certified copy of decree.

Sec. 16. A certified copy of such decree shall be filed in the office of the registrar, who shall thereupon issue a certificate of title to the person entitled thereto as shown by said decree, and shall proceed to bring said land under the operation of this act, as herein provided. Said certificate shall contain the description of the property set forth in the decree, and shall also show the nature, amount, and order of the liens thereon.

Decree to be in rem, and conclusive.

Sec. 17. The decree of the court ordering registration shall be in the nature of a decree in rem, and shall be final and conclusive as against the rights of every and

all persons, known and unknown, to assert any estate, interest, claim, lien, or demand of any nature or kind whatever, against the land so ordered registered, except as provided in this act.

Court to appoint referee; compensation of searcher and of referee.

Sec. 18. Upon the filing of the petition the court may appoint a referee to examine and report upon the abstract accompanying the same. Such referee shall be an attorney in good standing, skilled in the examination of titles, of not less than three years' practice at the bar of the court so appointing him. The compensation of the searcher and of the referee shall be fixed by the court, or agreed upon between themselves and the applicant, and shall be paid by the applicant as a part of the costs of the proceeding.

Written opinion of referee to be filed before decree made.

Sec. 19. Whenever such abstract shall be made and such referee appointed, no decree shall be entered by the court until the written opinion of such referee shall be filed in the proceeding, showing the nature of the applicant's title to the land; and if the same is subject to any lesser estate, mortgage, lien, or charge, particularly specifying the same and the priority thereof. The estate of homestead shall be included in the term "lesser estate."

Applicant may withdraw application upon payment of fees at any time prior to issuance of certificate of title.

Sec. 20. Any applicant may, upon payment of all fees due, withdraw his application for registration at any time prior to the issuing of a certificate of title; and upon the written request of such applicant and the order of the court, the clerk shall return to the applicant all abstracts of title, deeds, and other instruments, except depositions or affidavits deposited by him for the purpose of supporting his application.

On transfer of interest or death of applicant, proceedings may be continued.

Sec. 21. In case of the death or any disability of the applicant, the court, on motion, may allow the proceeding

to be continued by or against his representative or successor in interest. In case of any other transfer of interest the proceeding may be continued in the name of the original applicant, or the court may allow the person to whom the transfer is made to be substituted in the proceeding.

Registrar to keep record of particulars of issuance.

Sec. 22. The registrar shall immediately, upon the registration of any land, make an entry in a book kept by him for that purpose, showing the name of the person to whom the certificate was issued, its number, the day, hour, and minute of its issuance, the name of the person to whom the duplicate certificate was delivered, and the book and page where the original certificate is entered or recorded.

Certificate of title to be in duplicate; its contents; original to be retained by registrar.

Sec. 23. Every first and subsequent certificate of title shall be in duplicate and numbered consecutively and bear date the year, month, day, hour, and minute of its issue, and be under the hand and official seal of the registrar, one copy of which shall be retained by the registrar and be known as the original, and the other shall be delivered to the owner, or person acting for him, and be known as the duplicate. It shall state whether the owner, except in the case of a corporation, executor, administrator, assignee, or other trustee, is married or not married, and the name of the husband or wife. If the owner is a minor it shall state his age; if under any other disability, the nature of the disability. If issued to an executor or administrator, the certificate shall show the name of the deceased testator or intestate; if to an assignee in insolvency, the name of the insolvent. The registrar shall note at the end of the certificate, original and duplicate, in such manner as to show and preserve their priorities, the particulars of all estates, mortgages, liens, incumbrances, and charges to which the owner's title is subject.

Form of certificate.

Sec. 24. No particular form of certificate of title is required, but the same may be, subject to such changes as the case may require, substantially in the following form:

State of California,
 County of ——— } ss.

A. B. (state occupation and residence, giving street and number), state of California (if an administrator, give the name of the deceased; if a minor, give his age; if under other disability, state its nature), married to (name of husband or wife, or if not married so state), is the owner of an estate in fee simple (or as the case may be) in the following land (insert description contained in the decree). Subject, however, to the estates, easements, liens, incumbrances, and charges hereunder noted. (In case of trust, condition, or limitation, say "in trust," or "upon condition," or "with limitation," as the case may be.)

1. Mortgage to C. D. for the sum of \$——, dated —, payable — after date, with interest at — per cent per —, interest payable —.

2. Mechanic's lien in favor of X. Y. for \$——, filed —.

3. Assessment for improvement of — street. Amount \$——, due —.

(Any other incumbrances or charges.)

In witness whereof, I have hereunto set my hand and caused my official seal to be affixed, this — day of —.

Registrar of Titles in and for the county of —, state of California.

[Seal.]

Tenants in common may receive each a certificate.

Sec. 25. In all cases where two or more persons are entitled as tenants in common to an estate in registered land, such persons may receive one certificate for the entirety, or each may receive a separate certificate for his undivided share.

Registered owner may consolidate several or divide up one certificate.

Sec. 26. Upon the application of any registered owner of land held under separate certificates of title, or under one certificate, and delivering up of such certificate or certificates of title, the registrar may issue to such owner a single certificate of title for the whole of such land, or several certificates, each containing a portion of such land, in accordance with such application, and as far

as the same may be done consistently with any regulations at the time being in force, respecting the certificates of land that may be included in one certificate of title; and upon issuing any such certificate of title said registrar shall indorse on the last previous certificate of title of such land so delivered up a memorial, setting forth the occasion of such cancellation and referring to the volume and folum of the new certificate or certificates of title so issued.

Certificate may be issued by order of court in lieu of lost duplicate; proceedings therefor.

Sec. 27. In the event of a duplicate certificate of title being lost, mislaid, or destroyed, the owner may apply to the court for an order upon the registrar to issue a certified copy of the original certificate of registration. Upon the hearing of such application, the court may order such notice to be given to such persons, and for such time as it may deem proper. If the court is satisfied that the applicant is the person named in the original certificate on file in the registrar's office, and that the duplicate certificate has been lost, mislaid, or destroyed, the court shall make an order directing the registrar to issue a certified copy of the original certificate to the applicant. A certified copy of such order shall be filed in the registrar's office, who shall thereupon issue to such applicant a certified copy of the original certificate, with the memorials and notations appearing upon the register, and shall note upon the register the fact, cause, and date of such issue, and shall also mark upon such certified copy: "Owner's certified copy, issued in place of lost (mislaid, or destroyed, as the case may be) certificate," and such certified copy shall stand in the place of, and have like effect, as the missing duplicate certificate. In case of a lost certificate, no transfer of the land shall be made until such certified copy is issued by the registrar. A certified copy of the certificate of title may be issued by the registrar for use as evidence, upon the receipt by him of an order therefor made by the court; provided, that such certified copy shall have written or stamped across the face thereof the words "For use as evidence only." The issuance of such certified copy and the purpose thereof shall also be noted upon the original certificate by the registrar.

Change of name or of description to be noted on order of court.

Sec. 28. If an owner's name or description is incorrectly registered, or becomes changed (e. g. by marriage, adoption, divorce, etc.), the court, upon the filing of an application and proof of facts in the manner set forth in section twenty-seven of this act, and the production by the owner of the duplicate certificate, shall order the registrar to issue a new certificate, with such changes as the case may require.

The Register of Titles.

Original certificate to be entered in register; memorials to be on latest certificate.

Sec. 29. The registrar shall keep a book, to be known as the "Register of Titles," wherein he shall enter all original certificates of title, in the order of their numbers, with appropriate blanks for the entry of memorials and notations allowed by this act. Each certificate, with such blanks, shall constitute a separate folium of such book. All memorials and notations that may be entered upon the register under the terms of this act shall be entered upon the folium constituted by the last certificate of title of the land to which they relate. Each certificate of title shall be numbered the same as the folium of the register on which the registration of the title of which it is a duplicate is entered.

Receipt to be given for duplicate certificate on its issuance.

Sec. 30. Before the delivery of any duplicate certificate of title, a receipt for it shall be required to be signed by the owner. Where such receipt is signed in the presence of the registrar or a deputy, it shall be witnessed by such officer. If signed elsewhere, it shall be acknowledged before any officer authorized to take acknowledgments of deeds.

First registration deemed complete on notation of original entries upon certificates.

Sec. 31. In every case of first registration of land or an estate or interest therein, the same shall be deemed to be registered under this act, when the registrar shall have marked upon the certificate of title, in duplicate, the volume and folium of the register in which the original may be found.

Transfer complete on notation upon new certificate; other dealings complete on notation; registration to relate back to filing with registrar.

Sec. 32. Every transfer of registered land shall be deemed to be registered under this act, when the new certificate to the transferee shall have been marked, as in the case of the first registration; and all other dealings shall be considered as registered when the memorial or notation shall have been entered in the register upon the folium constituted by the existing certificate of title of the land. But, for the protection of the transferee or person claiming through any transfer or dealing, the registration shall relate back to the time of filing in the registrar's office the deed, instrument, or notice, pursuant to which the transfer memorial or notation is made.

Party aggrieved may bring action against registrar and others.

Sec. 33. Any person feeling himself aggrieved by the action of the registrar, or by his refusal to act in any matter pertaining to the first registration of land, or any subsequent transfer, or charge upon the same, or failing, or neglecting, or refusing to file any instrument, or to enter or cancel any memorial or notation, or to do any other thing required of him by this act, may file a complaint in the superior court making the registrar and other persons, whose interests may be affected, parties defendant, and the court may proceed therein as in other cases, and make such order or decree as shall be according to equity and the purport of this act. A certified copy of such order or decree shall be presented to the registrar, who shall file the same and make such entry thereof as by this act required.

Effect of Registration.

In absence of fraud, title to be subject only to noted incumbrances; exceptions.

Sec. 34. The registered owner of any estate or interest in land brought under this act shall, except in case of fraud to which he is a party, or of the person through whom he claims without valuable consideration paid in good faith, hold the same subject only to such estates, mortgages, liens, charges, and interests as may be noted

in the last certificate of title in the registrar's office, and free from all others, except:

1. Any subsisting lease or agreement for a lease for a period not exceeding one year, where there is actual occupation of the land under lease. The term "lease" shall include a verbal letting.

2. All public highways embraced in the description of the lands included in the certificate.

3. Any subsisting right of way or other easement, however created, upon, over, or in respect of the land.

4. Any tax or special assessment for which a sale of the land has not been had at the date of the certificate of title.

5. Such right of action or claim as is allowed by this act.

6. Liens, claims, or rights arising under the laws of the United States, which the statutes of California cannot require to appear of record upon the register.

No adverse possession after registration possible.

Sec. 35. After land has been registered no title thereto adverse or in derogation to the title of the registered owner shall be acquired by any length of possession.

Presumption of good faith in purchaser of registered land.

Sec. 36. Except in case of fraud, and except as herein otherwise provided, no person taking a transfer of registered land, or any estate or interest therein, or of any charge upon the same from the registered owner, shall be held to inquire into the circumstances under which, or the consideration for which, such owner or any previous registered owner was registered, or be affected with notice, actual or constructive, of any unregistered trust, lien, claim, demand, or interest; and the knowledge that any unregistered trust, lien, claim, demand, or interest is in existence shall not of itself be imputed as fraud.

Persons defrauded shall not lose rights.

Sec. 37. In case of fraud, any person defrauded shall have all rights and remedies that he would have had if the land were not under the provisions of this act; provided, that nothing contained in this section shall affect the title of a registered owner who has taken bona fide for a valuable consideration, or of any person bona fide claiming through or under him.

Registration of forged instrument void but title of bona fide owner not affected.

Sec. 38. If a deed or other instrument is registered, which is forged, or executed by a person under legal disability, such registration shall be void; provided, that the title of a registered owner, who has taken bona fide for a valuable consideration, shall not be affected by reason of his claiming title through some one, the registration of whose right or interest was void, as provided in this section.

No unregistered interest shall prevail against bona fide registered owner.

Sec. 39. No unregistered estate, interest, power, right, claim, contract, or trust shall prevail against the title of a registered owner taking bona fide for a valuable consideration, or of any person bona fide claiming through or under him.

In absence of fraud, certificate of title is conclusive evidence in suit for specific performance of contract to purchase.

Sec. 40. In any suit for specific performance brought by a registered owner of any land under the provisions of this act against a person who may have contracted to purchase such land, not having notice of any fraud or other circumstances which, according to the provisions of this act, would affect the right of the vendor, the certificate of title of such registered owner shall be held in every court to be conclusive evidence that such registered owner has a good and valid title to the land, and for the estate or interest therein mentioned or described.

In ejectment or partition suits, certificate is conclusive evidence:

Sec. 41. In any action or proceeding brought for ejectment, partition, or possession of land, the certificate of title of a registered owner shall be held in every court to be conclusive evidence, except as herein otherwise provided, that such registered owner has a good and valid title to the land, and for the estate or interest therein mentioned or described, and that such registered owner is entitled to the possession of said land.

The register to be received as evidence.

Sec. 42. The register of any land, and duly certified

copies thereof, shall, except as herein otherwise provided, be received in law and in equity as evidence of the facts therein stated, and as conclusive evidence that the person named therein as owner is entitled to the land for the estate or interests therein specified.

Memorial to be noted until cancellation.

Sec. 43. Whenever a memorial has been entered, as permitted by this act, the registrar shall carry the same forward upon all certificates of title until the same is canceled in some manner authorized by this act.

Dealings subsequent to first registration subject to act.

Sec. 44. All dealings with land or any estate or interest therein, after the same has been brought under this act, and all liens, incumbrances, and charges upon the same subsequent to the first registration thereof, shall be deemed to be subject to the terms of this act, and to such amendments and alterations as may hereafter be made. The bringing of land under this act shall imply an agreement which shall run with the land, that the same shall be subject to the terms and provisions of the act and of amendments and alterations thereof.

Five years' limitation to bringing of action affecting registered land; incompetents to appear.

Sec. 45. No person shall commence any action at law or in equity for the recovery of land, or assert any interest, right in, or lien or demand upon the same, or make entry thereon adversely to the title or interest certified in the first certificate bringing the land under the operation of this act, unless within five years after the first registration. It shall not be an exception to this rule that the person entitled to bring the action or make the entry is an infant, lunatic, or is under any disability, but action may be brought by such person by his next friend or guardian. It shall be the duty of the guardian, if there is any, to bring action in the name of his ward whenever it is necessary to preserve or enforce the ward's rights in registered land; provided, however, before such action shall proceed, it must be made to appear to the court that the person bringing such action, or those under whom he claims, had no actual notice of the proceedings to register such lands in time to appear and file his objections or assert his claim.

Action not to affect bona fide purchasers.

Sec. 46. The action provided for in the last preceding section, shall in no way affect or disturb the rights of any person in said land, acquired subsequent to the registration thereof, bona fide and without knowledge, and for a valuable consideration.

Claim to arise after expiration of five years preserved by noting memorial; proceedings subsequent.

Sec. 47. Any person having any interest, right, title, lien, or demand, whether vested, contingent, or inchoate, in, to, or upon registered land which existed at the time the land was first registered, and upon or for which no cause of action shall have accrued at the date of the registration of the land, may, prior to the expiration of said five years after such registration, file in the registrar's office a notice, under oath, setting forth his interest, right, title, lien, or demand, and how and under whom derived, and the character and nature thereof; and if such claim is so filed, an action may be brought to assert or recover or enforce the same at any time within one year after the right of action shall have accrued thereon, or at any time within the period of five years after said first registration, and not afterwards. It shall be the duty of a life tenant or trustee to file such claim on behalf of any remainderman or reversioner, whether the remainder or reversion be at the time vested or contingent, and of a guardian to file such claim on behalf of his ward.

Transfers.

Title passes on filing of deed and of duplicate.

Sec. 48. A registered owner of land desiring to transfer his whole estate or interest therein, or some distinct part or parcel thereof, or some undivided interest therein, or to grant out of his estate an estate for life or for a term of not less than ten years, may execute to the intended transferee a deed or instrument of conveyance in any form authorized by law for that purpose. And upon filing such deed or other instrument in the registrar's office and surrendering to the registrar the duplicate certificate of title, the transfer shall be complete and the title so transferred shall vest in the transferee; thereupon, the registrar shall issue in duplicate and register, as hereinbefore provided, a new certificate, certifying the

title to the estate or interest in the land desired to be conveyed to be in the transferee, and shall note upon the original and duplicate certificate the date of the transfer, the name of the transferee, and the volume and folium in which the new certificate is registered, and shall stamp across the original and surrendered duplicate certificate the word "Canceled," in whole or in part, as the case may be.

New certificate to issue for remainder, if but a parcel be transferred.

Sec. 49. When only a part of the land described in a certificate is transferred, or some estate or interest in the land is to remain in the transferrer, a new certificate shall be issued to him for the part, estate, or interest remaining in him.

Time of filing to be noted on instrument.

Sec. 50. The registrar shall mark as filed every deed, mortgage, lease, and other instrument which may be filed in his office, in the order of its receipt, and shall note thereon at the date of filing the minute, hour, day, and year it is received. When the date of filing any instrument is required to be entered upon the register, it shall be the same as that indorsed upon such instrument.

Papers filed to be retained.

Sec. 51. All instruments, notices, and papers required or permitted by this act to be filed in the office of the registrar, shall be retained and kept in such office, and shall not be taken therefrom except by a subpoena duces tecum issued to, and served upon the registrar by a court of record. But the registrar, on demand, the proper fee being tendered therefor, shall deliver to any person a copy or copies of such an instrument, with all memoranda, memorials, and indorsements thereon, duly certified under his hand and seal of office. The registrar shall, however, upon all such copies, indorse thereon in writing across the face thereof, in red ink, "Copy, no rights conveyed hereby."

Such copies to be received in evidence.

Sec. 52. Every copy of original instruments so certified as provided for in the last preceding section, shall be

received in all cases in place of the original, and as evidence have the same force and effect as the original instrument.

Existing forms of deeds may be used.

Sec. 53. Like forms of deeds, mortgages, leases, and other instruments as are now or may hereafter be sufficient in law for the purpose intended, may be used in dealing with registered land and any estate or interest therein. Such instrument shall give the number of the certificate of title of the land described therein. But an indorsement, duly acknowledged, upon the duplicate certificate of title, substantially in the following form, viz.: "I ———, grant to ——— the real property described in this certificate. Witness ——— hand ——— and seal ——— this ——— day of ———, ———," shall be sufficient to transfer the property in said certificate described.

Name and address to be indorsed on instrument, and notices to be sent there.

Sec. 54. On all instruments presented to the registrar for registration shall be indorsed the name and address of the person so presenting the same, and all notices relating to the land therein described may be served on such person at such address. The address may be changed from time to time by such person filing with the registrar a written notice of such change.

Instrument affecting registered land to be but a contract until registered.

Sec. 55. A deed, mortgage, lease, or other instrument purporting to convey, transfer, mortgage, lease, charge, or otherwise deal with registered land, or any estate or interest therein, or charge upon the same, other than a will or a lease not exceeding one year where the land is in the actual possession of the lessee or his assigns, shall take effect only by way of contract between the parties thereto, and as authority to the registrar to register the transfer, mortgage, lease, charge, or other dealing upon compliance with the terms of this act. On the filing of such instrument, the land, estate, interest, or charge shall become transferred, mortgaged, leased, charged, or dealt with according to the purport and terms of the deed, mortgage, lease, or other instrument. The registrar shall immediately, upon the filing of such instrument,

stamp or write upon the original and duplicate certificates of title the word "Transferred," "Mortgaged," "Leased," or otherwise, as the case may require, with the date of filing such instrument.

Certificate before retransfer, etc., must show freedom from tax sale and homestead.

Sec. 56. No transfer of title to land, or any estate or interest therein, or mortgage, shall be registered, if the last original certificate shows that the land has been sold for any tax or assessment upon which a deed has been given, and that the title is outstanding, or upon which a deed may thereafter be given, or if said certificate shows that the estate of homestead, if any, has not been released or extinguished, unless the transfer or mortgage is intended to be subject to such tax sale or homestead estate, in which case it shall be so stated in the certificate of title.

Certificate to state marriage or representative capacity, if any.

Sec. 57. Every certificate of title to land shall state whether the transferee (except when the latter is a corporation, executor, administrator, or assignee) is married or not married, and if married, the name of the husband or wife. If the transferee be an executor or administrator, the certificate shall give the name of the deceased testator or intestate, and if the transferee be an assignee, the name of the insolvent. The transferee shall furnish the registrar the necessary information before he shall be entitled to have the land transferred to him on the register.

Mortgages, Leases, and Other Charges.

Incumbrance on registered land must be registered.

Sec. 58. Every mortgage, lease, contract to sell, or other instrument intended to create a lien, incumbrance, or charge upon registered land, or any interest therein, shall be deemed to be a charge thereon, and must be registered as hereinafter provided.

Incumbrance created on filing of charge.

Sec. 59. On the filing of the instrument intended to create the charge in the registrar's office, and the production of the duplicate certificate of title, and it appearing

from the original certificate of title that the person intending to create the charge has the title and right to create such charge, and the person in whose favor the same is sought to be created being entitled by the terms of this act to have the same registered, the registrar shall enter upon the proper folium of the register, and also upon the duplicate certificate, a memorial of the purport thereof, and the date of filing the instrument, with a reference thereto, by its file number, which memorial shall be signed by the registrar. The registrar shall also note upon the instrument on file the volume and folium of the register where the memorial is entered.

Trust deed to be treated as a mortgage.

Sec. 60. A trust deed in the nature of a mortgage shall be deemed to be a mortgage, and be subject to the same rules as a mortgage.

If instrument charging land be in duplicate or more parts, but one need be filed.

Sec. 61. When any mortgage, lease, or other instrument creating or dealing with a charge upon registered land or any estate or interest therein, is in duplicate, triplicate, or more parts, only one of the parts need be filed and kept in the registrar's office; but the registrar shall note upon the register whether the same is in duplicate, triplicate, or as the case may be, and shall also mark upon the others "Mortgagee's Duplicate," "Lessor's Duplicate," "Lessee's Duplicate," or as the case may be, and note upon the same the date of filing and the volume and folium of the register where the memorial is entered, and deliver them to the parties entitled thereto.

Certified copies identified as such may be issued.

Sec. 62. When an instrument is not executed in a sufficient number of parts for the convenience of the parties, the registrar may make and deliver to each of the parties entitled thereto certified copies of the instrument filed in his office, with the indorsements thereon, marking the same "Mortgagee's Certified Copy," "Lessor's Certified Copy," or as the case may be, and shall note upon the register the fact of issuing such copies. Such certified copies shall have the same force and effect and be treated as duplicates.

Assignment of charge by filing and noting of same by memorial.

Sec. 63. The holder of any charge upon registered land, desiring to transfer the same or any part thereof, may execute an assignment of the whole or any part thereof. The assignment of a part only must state whether the part transferred is to be given priority, to be deferred, or to rank equally, with the remaining part. Upon such assignment being filed in the office of the registrar and the production of the duplicate or certified copy of the instrument creating the charge held by the assignor, the registrar shall enter in the register opposite the charge, a memorial of such transfer, and how it ranks, with a reference to the assignment by its file number; he shall also note upon the instrument on file in his office intended to be transferred, and upon the duplicate or certified copy thereof produced, the volume and folium where the memorial is entered, with the date of the entry. The transferee shall be entitled to have a certified copy of the instrument of transfer, with the indorsement thereon, and in case of the transfer of the entire charge, the duplicate or certified copy of the instrument creating the charge.

Release of part or whole of charge to be noted as an assignment.

Sec. 64. A release, discharge, or surrender of a charge, or any part thereof, or of any part of the land charged, may be effected in the same way as above provided in the case of a transfer. In case only a part of the charge or of the land is intended to be released, discharged, or surrendered, the entry shall be made accordingly; but when the whole is released, discharged, or surrendered at the same or several times, the registrar shall stamp across the instrument on file, and the memorial thereof, and the duplicate or certified copy produced, the word "Canceled."

Charges to be enforced as at present, except as herein provided, and except that notice of lis pendens must be filed with registrar.

Sec. 65. All charges upon registered land, or any estate or interest in the same, may be enforced as now or hereafter allowed by law, and all laws with reference to the foreclosure and release or satisfaction of mortgages shall

apply to mortgages upon registered land, or any estate or interest therein, except as herein otherwise provided, and except that until notice of the pendency of any suit to enforce or foreclose such charge is filed in the registrar's office, and a memorial thereof entered on the register, the pendency of such suit shall not be notice to the registrar, or any person dealing with the land or any charge thereon.

Attorneys in Fact.

Attorney in fact to deal with registered land must file his power.

Sec. 66. Before any person can convey, charge, or otherwise deal with registered land, or any estate or interest therein, as attorney in fact for another, the deed or instrument empowering him so to act shall be filed with the registrar, and a memorial thereof entered upon the original and duplicate certificates. If the attorney shall so desire, the registrar shall deliver to him a certified copy of the power of attorney, with the indorsements thereon. Revocation of a power may be registered in like manner.

Trusts, Conditions, and Limitations.

Trusts, etc., to be noted without any of the particulars.

Sec. 67. Whenever a deed or other instrument is filed in the registrar's office for the purpose of effecting a transfer of, or charge upon, registered lands, or any estate or interest therein, and it appears from such instrument that the transfer or charge is to be in trust, or upon any condition or limitation therein expressed, the registrar shall note in the certificate, and the duplicate thereof, or memorial, the words "in trust," or "upon condition," or "with limitations," as the case may be, but no entry shall be made of the particulars of any such trust, conditions, or limitations.

Every trustee with express authority, shall have power of sale.

Sec. 68. The trustee or transferee in any such instrument named, if the instrument contains the words "with power of sale," shall have power to deal with the land as the owner thereof; and a bona fide purchaser, mortgagee, or lessee is not bound to inquire into or determine

whether or not the acts of such trustee are in accordance with the terms and conditions of the trust. When such power is conferred, the registrar shall note upon the certificate and duplicate thereof the words "with power of sale."

No trustee, with limitation, shall sell without order of court to sell.

Sec. 69. If, however, such instrument does not contain the words "with power of sale," such trustee shall have no power to sell or otherwise deal with the land without an order of court so to do, duly given and made, a certified copy of which said order shall be filed with the registrar, and a memorial thereof entered upon the certificate of title, which shall be conclusive evidence as against all persons that the authority of such trustee was duly executed in accordance with the true intent and meaning of the trust, condition, or limitation.

Trustee under will shall have power to sell unless it be withheld.

Sec. 70. A trustee under any will admitted to probate, unless such power shall have been expressly withheld by the terms of such will, shall have power to deal with any registered land held by him in trust as fully in every respect as if such lands belonged to him individually.

Estates in Probate, in Insolvency, and in Equity Proceedings.

Existing statutes governing probate, insolvency, and equity proceedings, not affected.

Sec. 71. The distribution, transfer, leasing, mortgaging, or other change in the status of the title of registered land that is within the jurisdiction of any court by reason of the pendency of probate, insolvency, or equity proceedings, shall be made under the same conditions and limitations as now or hereafter provided by the law of this state.

Orders of sale, decrees of distribution, etc., to contain direction to registrar.

Sec. 72. The court in its order or decree making such distribution, transfer, leasing, mortgaging, or other change in the status of the title of registered land, shall direct the registrar to issue a certificate of title, or to note a me-

memorial of the transaction, as the case may require, in accordance with such order or decree.

Certified copy of order, decree, deed, and confirmation to be filed with registrar.

Sec. 73. The executor, administrator, assignee, receiver, or other person acting under the direction of said court, shall file with the registrar a certified copy of such order or decree, also the deed, lease, mortgage, or other instrument executed in accordance with such order or decree, and also a certified copy of the order or decree confirming such sale, lease, mortgage, or other transaction, when such confirmation is required by law.

Order of court necessary for sale of land of insolvent and probate estates; confirmation and issuance of certificates thereof.

Sec. 74. Executors, administrators, and assignees in insolvency shall have no power of sale of lands registered in their names as such, without an order of court obtained for that purpose. Before any certificate can be issued to the purchaser, such sales shall be reported for confirmation to the court under whose authority such executor, administrator, or assignee is acting, and if confirmed a duly certified copy of the order of confirmation shall be filed in the office of the registrar, and a memorial thereof entered upon the certificate of title. Upon the filing of the certified copy of such order of confirmation and the entry of such memorial, the registrar shall issue a certificate to the purchaser at such sale, which certificate, in addition to the usual contents thereof, shall refer to the said order of confirmation. Such order of confirmation shall be conclusive evidence that the sale was in all respects conducted in accordance with law, and the purchaser shall not be bound to inquire into the regularity of the proceeding, or power of the executor or administrator to make such sale.

Power of sale of executor to be noted.

Sec. 75. If a testator, by his will, has provided that the executor thereof shall have a power of sale of real estate, the court shall direct the registrar to register the words "with power of sale," in respect of the land of the deceased, and such executor shall have power to sell such land without an order of court so to do, but such

sales must be confirmed by the court in the manner now or hereafter provided by the law of this state, and a duly certified copy of the order of such confirmation shall be filed with the registrar before any certificate of title can be issued to the purchaser of such land.

Registrar to issue certificate or note memorial; such to be conclusive.

Sec. 76. Thereupon the registrar shall issue the certificate of title, or note the memorial, as the case may require; and such certificate of title or memorial noted shall be conclusive evidence in favor of all persons thereafter dealing with said land.

Tax Sales.

Notice of purchase to be filed and mailed.

Sec. 77. A purchaser of registered land sold for any tax or assessment, shall, within one day after such purchase, file in the office of the registrar a written notice of such purchase. And thereupon the registrar shall enter a memorial thereof upon the certificate of title, and shall mail to each person named in the certificate, or in the memorials thereon, a copy of said notice, a sufficient number of said copies to be furnished to the registrar by said purchaser at the time of filing said notice. In case the state or a municipal corporation becomes the purchaser of land sold for any tax or assessment, the tax collector shall, within one day thereafter, file with the registrar a notice to that effect. And thereupon the registrar shall enter a memorial thereof upon the register, and shall mail notices to interested parties, as in the case of an individual purchaser. Unless such notice is given as herein provided, the land shall be forever released from the effect of such sale, and no deed shall be issued in pursuance thereof.

Tax deed already issued must be registered.

Sec. 78. A tax deed of registered land, or of any estate or interest therein, issued in pursuance of any sale for a tax or assessment made after the taking effect of this act, may be presented by the holder thereof to the registrar, who shall thereupon enter upon the register a memorial of such deed; but such deed, unless the same shall have been issued to the state, shall have only the effect of an agreement for the transfer of the title, and before

any certificate of title shall be issued for the land described in such deed, the holder thereof must file with the clerk of the superior court an application for a decree showing the title to said land to be vested in him.

Interested persons must be made parties to said application.

Sec. 79. All persons appearing upon the register to be interested in said land, and also the person who appears, by the tax collector's books to have paid the tax or assessment last paid before the sale on which the deed is issued, shall be notified; and any person claiming an interest in the land may, upon the hearing of such application, show, as cause why a certificate of title should not issue to the holder of said deed, any fact that might be shown in law or in equity on his behalf to set aside such tax deed, and the applicant shall be required to show affirmatively that all the requirements of the statute to entitle him to a deed have been complied with.

Decree shall be given showing condition of title.

Sec. 80. Such application shall be heard by the court, which shall render a decree showing the condition of the title to such land, and who is the owner thereof, and upon presentation to him, of a duly certified copy of such decree, the registrar shall issue a certificate for said land in accordance with the terms and conditions of said decree.

Tax deed to state conclusive.

Sec. 81. In case a tax deed of registered land is issued to the state or any municipal corporation, in pursuance of any sale for a tax or assessment made after the taking effect of this act, the registrar shall, upon the filing of such deed in his office, cancel the certificate for the land in said deed described, and issue a new certificate to the state therefor.

Notice to be personal or by mail and publication.

Sec. 82. The notice required in section eighty shall be given upon all persons residing in the state by personal service, and upon all persons living out of the state by mail and by publication in the manner now or hereafter required by the laws of this state in an action to quiet title. If such personal service be made by a sheriff or

constable, his certificate, and if by any other person, his affidavit, shall be sufficient proof thereof. In case the place of residence of any person is not known to the registrar or the holder of such deed, notice shall be given by publication in a newspaper of general circulation in the county in which the land is situated, at least once a week for four consecutive weeks. Proof of such publication must be made in the manner now or hereafter required by the laws of this state.

On redemption, memorial to be canceled.

Sec. 83. Upon presentation to him of a certificate of redemption from any tax sale, the registrar shall cancel the memorial of said sale upon the certificate of title.

Partition and Judicial Sales.

All parties noted on register must be parties.

Sec. 84. In proceedings for partition of registered land, proof must be made that all persons, shown by the register of title to be interested in the land, have been made parties to such proceeding.

Decree must be filed before certificate issued.

Sec. 85. On confirmation of the report of the commissioners setting off registered lands in proceedings for partition, it shall be the duty of the parties to whom the lands are allotted, to cause a certified copy of the judgment or decree to be filed with the registrar. Thereupon the registrar shall transfer the same upon the register, and issue certificates of title to the persons entitled thereto, as shown by said decree.

When sale ordered, purchaser must file copy of decree.

Sec. 86. Whenever, in proceedings for partition of registered land, the court shall order a sale of such land, and the same is sold under such order, the purchaser shall file with the registrar a certified copy of the order confirming said sale, together with certificate of the officer holding the writ, that the terms of the sale have been complied with. Thereupon, the registrar shall transfer said land upon the register, and issue a certificate of title to the purchaser, therefor.

When mortgage on undivided share, lien attaches only to lands set off to mortgagor.

Sec. 87. When a tenant in common has given any

mortgage, or granted any other lien or interest upon his undivided interest, and the same is set off in severalty in proceedings for partition, such mortgage, lien, or other interest shall attach only to the lands so set off, and the registrar shall note the same upon a new register of title, and a new certificate of title, and shall indorse a memorandum of the partition upon the instrument creating such lien, mortgage, or other interest, if the same be on file in his office, before a new certificate of title shall be issued therefor.

Purchaser at judicial sale must file certified copy of order confirming sale.

Sec. 88. Whenever registered land shall be sold to satisfy any judgment, decree, or order of court, the purchaser shall file with the registrar a duly certified copy of the order of sale, or of the order confirming such sale, when the same needs to be confirmed by the court, and also the certificate, if any, of the officer, that the terms of sale have been complied with, and thereupon the registrar shall transfer the land to him, and issue a new certificate of title therefor to said purchaser.

Lis Pendens; Notice of Action.

Notice to affect registered land must be filed with registrar.

Sec. 89. No suit, bill, or proceeding at law or in equity for any purpose whatever, affecting registered land, or any estate or interest therein, or any charge upon the same, shall be deemed to be lis pendens or notice to any person dealing with the same until notice of the pendency of such suit, bill, or proceeding shall be filed with the registrar and a memorial thereof entered by him upon the register of the last certificate of the title to be affected; provided, however, this section shall not apply to attachment proceedings when the officer making the levy shall file his certificate as hereinafter provided.

When suit, etc., dismissed, certificate of dismissal or release must be filed with registrar.

Sec. 90. When any suit, bill, or proceeding affecting registered lands has been dismissed or otherwise disposed of, or any judgment, decree, or order has been satisfied, released, reversed, or modified, or any levy of execution, attachment, or other process has been released, discharged, or otherwise disposed of, it shall be the duty of

the sheriff, or the clerk of the court in which such proceedings were pending, or had, as the case may be, forthwith, under his hand, and, if the clerk, under the seal of the court, to certify to and file with the registrar, an instrument showing such discharge or release. Upon the same being filed, the registrar shall enter a memorial of such discharge on the register. The costs of such certificate and memorial shall be taxed as other costs in the case.

Liens, Executions, Attachments, etc.

Certified copy of judgment or decree must be filed.

Sec. 91. No judgment, or decree, or order of any court shall be a lien on or in anywise affect registered land, or any estate or interest therein, until a certified copy of such judgment, decree, or order, under the hand and official seal of the clerk of the court in which the same is of record, is filed in the office of the registrar, and a memorial of the same is entered upon the register of the last certificate of the title to be affected.

Certificate of levy of attachment, or execution, must be filed.

Sec. 92. Whenever registered land is levied upon by virtue of any writ of attachment, execution, or other process, it shall be the duty of the officer making such levy forthwith to file with the registrar a certificate of the fact of such levy, a memorial of which shall be entered upon the register; and no lien shall arise by reason of such levy until the filing of such certificate and the entry in the register of such memorial, any notice thereof, actual or constructive, to the contrary notwithstanding.

Notice of mechanics' liens must be filed.

Sec. 93. Notice of liens under the provisions of the mechanics' lien laws of this state shall be filed in the registrar's office, and a memorial thereof entered by him upon the register, as in the case of other charges, and such liens may be enforced as now or hereafter allowed by law. Until such notice is so filed and registered, no lien shall be deemed to have been created.

Notice of assessments for street improvements, sewers, etc., must be filed by clerk.

Sec. 94. When in a city, town, or county, an ordinance,

resolution, or order is passed or made, to lay out, establish, alter, widen, grade, regrade, relocate, or construct or repair a street, sidewalk, drain or sewer, or to make any other public improvement, or to do any work, the whole or a portion of the expense for which assessments may be made upon real estate, if any registered land or any land included in an application for registration then pending is affected by the act or proceeding and liable to such assessment, the clerk of the board passing such ordinance, resolution, or order shall, within five days after the passage of such ordinance, resolution, or order, file in the registrar's office a notice of the passage thereof, and a memorial shall thereupon be noted on the register. In case of the repeal of such ordinance, resolution, or order, the clerk of said board, and in case of the satisfaction of any lien thereunder, the superintendent of streets or other officer required by law to collect and receive such assessments, shall, within five days thereafter, notify the registrar, who shall thereupon cancel such memorial.

No notice necessary in case of lien for labor performed for corporation not complying with law.

Sec. 95. No statutory or other lien shall be deemed to affect the title to registered land until after a memorial thereof is entered upon the register, as herein provided, except in cases of liens for labor performed for a corporation, as provided in the act of the legislature of the state of California, approved March thirty-first, eighteen hundred and ninety-one.

Clerk of court may file certificate of dismissal of suit or satisfaction of judgment.

Sec. 96. The certificate of the clerk of the court in which any suit, bill, or proceeding shall have been pending, or any judgment or decree is of record, that such suit, bill, or proceeding has been dismissed or otherwise disposed of, or the judgment, decree, or order has been satisfied, released, reversed, or overruled, or of any sheriff or other officer that the levy of any execution, attachment, or other process certified by him has been released, discharged, or otherwise disposed of, being filed in the registrar's office and noted upon the register, shall be sufficient to authorize the registrar to cancel or otherwise treat the memorial of such suit, bill, proceeding, judgment,

decree, or levy, according to the purport of such certificate.

Corrections of Errors in Certificate.

No correction of register without order of court.

Sec. 97. After a title has been registered and a certificate issued therefor, or after a memorandum, notation, or memorial has been made on the register of title and has been attested, no correction, alteration, or erasure shall be made therein or thereof, except in the manner herein provided.

Registrar may apply to court for correction of errors or mistakes in certificate.

Sec. 98. Whenever it appears to the registrar that there is an error or omission in any certificate or memorial, or that any certificate or memorial has been made, entered, indorsed, issued, or canceled by mistake, he may apply to the court for an order summoning all persons registered as interested in the lands to which such certificate or memorial relates, to appear at an appointed time and place and produce their duplicate certificates and show cause why such omission or mistake should not be corrected, and shall thereupon enter a memorial of such application on the register.

If all parties consent, court may order correction of errors or mistakes.

Sec. 99. If at the time and place appointed all such persons appear and consent, the court may order and direct the registrar to correct any such error, omission, or mistake on the register and on any duplicate certificate, and may direct the cancellation of any certificate or memorial entered by mistake.

If all parties do not consent, court may hear testimony as to alleged error or mistake.

Sec. 100. If such persons, or any of them, fail to appear, or do not consent, the court may proceed to hear testimony as to such alleged error, omission, or mistake, and if it appear to the satisfaction of the court that an error, omission, or mistake has been made, he shall order and direct the registrar to correct the same and to cancel or modify such certificates or memorials as may

be necessary to correct such error or mistake. When such error or mistake has been caused by the fault or neglect of the registrar, the costs of such proceedings shall be paid by the state; if by the fault of any person registered as interested in such land, by such person. A certified copy of the order of court, directing the correction of any error, omission, or mistake in respect to any certificate or memorial, shall be filed in the registrar's office before such correction shall be entered or made.

Eminent Domain.

Right of eminent domain not affected.

Sec. 101. Nothing in this act shall be construed to in anywise affect or modify the exercise of the right of eminent domain. When any suit or proceeding shall have been brought in the exercise of such right for the taking of registered land, or any interest therein, or to test the validity of any such taking, or to ascertain and establish the amount of damage by reason of any such taking, it shall be the duty of both parties to the proceeding to see that a certified copy of the judgment or decree therein is duly filed and a memorial thereof entered upon the register; but in the case of the assessment of damages, no such memorial shall be entered by the registrar until such damages have been paid, in which event the register shall also show the payment of such damages; provided, however, that the deposit with the treasurer, as allowed by law, of such damages, shall be deemed a payment thereof, and in such case the treasurer shall forthwith file with the registrar a certificate of such deposit, and thereupon a memorial thereof shall be entered upon the register. Upon the filing of the certified copy of the order or decree of the court and the payment of damages, the registrar shall note on the register of title of the owners whose lands have been appropriated, a description of the land so appropriated, and shall register in the name of the person, corporation, or other body entitled thereto, the title of the land taken, and issue a certificate therefor.

Indices.

Property indices to be kept.

Sec. 102. The registrar shall keep property indices, the pages of which shall be divided into columns, showing

first, the section or subdivision; second, the range or block; third, the township or lot; fourth, any further description necessary to identify the land; fifth, the name of the registered owner; sixth, the volume; and seventh, the page of the register in which the lands are registered.

Name indices to be kept.

Sec. 103. He shall also keep name indices, the pages of which shall be divided into columns, showing in alphabetical order, first, the names of all registered owners and all other persons interested in or holding charges upon registered land; second, the nature of the interest; third, a brief description of the land; fourth, the volume; and fifth, the page of the register in which the lands are registered.

Miscellaneous Provisions.

Registered lands may be partitioned.

Sec. 104. An owner of an undivided interest in registered lands may bring an action for the partition thereof. A notice of such action shall, at the time of the commencement thereof, be filed with the registrar and a memorial entered by him upon the register. A certified copy of any judgment or decree rendered in pursuance of such action shall be filed with the registrar, who shall thereupon issue new certificates in accordance therewith.

Registration of adverse lien not conclusive of regularity of proceedings or instruments by which created.

Sec. 105. Whenever, under the provisions of this act, any interest in, or lien, incumbrance, or charge upon registered land, arises adversely to the registered owner without voluntary action by him, and not in pursuance of a judgment or decree of court, such registration shall not be conclusive of the regularity of any proceedings or instruments by means of which such interest, lien, incumbrance, or charge arose, or the validity of the same, and shall have no greater force and effect than would the recording, in case the land were not registered, of an instrument creating a similar interest, lien, incumbrance, or charge.

In case of fraud, rights and remedies the same as if land not under this act.

Sec. 106. In the case of fraud, any person defrauded

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shall have all rights and remedies that he would have had if the lands were not under the provisions of this act; provided, that nothing contained in this section shall affect the title of a registered owner who has taken bona fide for a valuable consideration, or of any person bona fide claiming through or under him.

Clerk of court shall notify registrar of appeal.

Sec. 107. In case of an appeal from any proceeding under this act, or from any judgment, order, or decree affecting registered lands, the clerk of the court in which the notice of appeal is filed shall forthwith notify the registrar thereof, and thereupon the registrar shall enter upon the register a memorial of such appeal.

All fees collected by registrar to be paid to county treasurer and applied to expenses of administration of this act.

Sec. 108. All fees collected by the registrar under the provisions of this act shall be accounted for, paid, disbursed, and disposed of by him in the same manner that fees collected by him as county recorder are now or may hereafter be by law accounted for, paid, disbursed and disposed of. Should there be a surplus in any year, such surplus shall be carried into the general fund, and be subject to appropriation for any purpose. In case such fees shall not amount to the sum required for the administration of this act, the deficiency shall be paid from any funds in the treasury not otherwise appropriated.

Board of supervisors shall furnish registrar all necessary books, etc.

Sec. 109. All books, blanks, papers, and all things necessary for the purpose of carrying out the provisions of this act, shall be furnished by the board of supervisors, at the expense of the county.

The attorney-general, state controller, and secretary of state to prepare forms.

Sec. 110. The attorney-general, state controller, and secretary of state shall prepare a uniform system of books, blanks, and forms for the use of the public officers required to perform duties under this act, and such forms, and none other, shall be used by such officers.

Penalties.

Fraudulent procurement of certificate, a felony.

Sec. 111. Whoever fraudulently procures, assists in fraudulently procuring, or is privy to the fraudulent procurement of any certificate of title or other instrument, or of any entry in the register or other book kept in the registrar's office, or of any erasure or alteration in any entry in any said book, or in any instrument authorized by this act, or knowingly defrauds or is privy to defrauding any person by means of a false or fraudulent instrument, certificate, statement, or affidavit affecting registered land, shall be guilty of a felony, and fined not exceeding five thousand dollars, or be imprisoned not exceeding five years nor less than one year, or either, or both, in the discretion of the court.

Forgery of seal, signature, or instrument in registrar's office, a felony.

Sec. 112. Whoever (1) forges, or procures to be forged, or assists in forging the seal of the registrar, or the name, signature, or handwriting of any officer of the registry office in cases where such officer is expressly or impliedly authorized to affix his signature; or (2) fraudulently stamps, or procures to be stamped, or assists in stamping any document with any forged seal of said registrar; or (3) forges, or procures to be forged, or assists in forging the name, signature, or handwriting of any person whomsoever to any instrument which is expressly or impliedly authorized to be signed by such person; or (4) uses any document upon which any impression, or part of the impression, of any seal of said registrar has been forged, knowing the same to have been forged, or any document, the signature to which has been forged, knowing the same to have been forged; or (5) swears falsely concerning any matter or procedure made and done in pursuance of this act, shall be guilty of a felony, and imprisoned not exceeding ten years, nor less than one year, or fined not exceeding five thousand dollars, or both fined and imprisoned, in the discretion of the court.

No proceeding or conviction under this act shall affect any remedy at law or in equity.

Sec. 113. No proceeding or conviction for any act hereby declared to be a misdemeanor or a felony shall affect

any remedy which any person aggrieved or injured by such act may be entitled to at law or in equity against the person who has committed such act, or against his estate, or against the registrar, or upon his bond.

Fees.

Fees same as in similar cases under present laws, except as provided herein.

Sec. 114. First—The fees, in respect of applications and proceedings under them prior to registration, shall be the same as in actions in the superior court.

Second—There shall be paid to the registrar:

For issuing a certificate of title, including one duplicate thereof, one dollar and fifty cents.

For each additional duplicate, fifty cents.

For registering each transfer, including the issue and registration of the new certificate, one dollar and fifty cents.

For entry of each memorial on the register, including the indorsement upon the duplicate certificates, one dollar.

For the cancellation of each certificate, memorial, or charge, twenty-five cents.

For each certificate showing condition of register, one dollar and fifty cents.

For filing any instrument, or for a certified copy of the register, or of any instrument or writing on file in his office, the same fees allowed by law to recorders for like services.

Construction.

Act to be liberally construed. Construction of similar legislation elsewhere, not adopted.

Sec. 115. This act shall be construed liberally so far as may be necessary for the purpose of effecting its general intent, but does not adopt by implication the construction of any similar legislation of other jurisdictions which this act may to any extent have followed.

Act to take effect July 1, 1897.

Sec. 116. This act shall take effect and be in force from and after the first day of July, eighteen hundred and ninety-seven.

TITLE 501.

TRADEMARKS.

ACT 4120.

Concerning trademarks and tradenames. [Stats. 1863, p. 155.]

Amended 1867-8, 423. Superseded by Penal Code, sec. 350, and Political Code, secs. 3196-3199.

ACT 4121.

To protect owners of bottles, boxes, siphons and kegs used in the sale of soda waters, mineral waters, porter, ale, cider, milk, beer, and other beverages, etc. [Stats. 1891, p. 217.]

Amended 1903, 83.

This act appears in full in Civil Code, Appendix, p. 775.

TITLE 502.

TRAINING-SHIP.

ACT 4125.

To establish and maintain a training-ship in the city and county of San Francisco. [Approved February 15, 1876; Stats. 1875-6, p. 54.]

Amended 1877-8, 233.

TITLE 503.

TRAMROAD COMPANIES.

ACT 4130.

Shasta County, providing for incorporation of tramroad companies in. [Stats. 1871-2, p. 300.]

TITLE 504.

TREASURERS.

ACT 4135.

Relating to treasurers, their deputies and clerks, in counties and cities and counties having a population of two hundred thousand inhabitants or over. [Stats. 1893, p. 282.]

Superseded as to San Francisco by the charter of that city. This act appears in full in Political Code, Appendix, p. 1114.

ACT 4136.

Authorizing the state treasurer to pay controller's warrants drawn for the salaries of public officers who are entitled to monthly payments from the state. [Stats. 1873-4, p. 593.]

ACT 4137.

For the better protection of the state treasury. [Stats. 1867-8, p. 554.]

This act authorized the state treasurer to employ two watchmen. The code commissioners say of it: "Doubtless superseded by sec. 457, Pol. Code, but nevertheless amended by statute of 1895, p. 55, chap. LIV."

ACT 4138.

To provide an additional watchman for the state treasurer. [Stats. 1895, p. 55.]

"Purports to amend statute of 1868, 554, chap. CDXXXI, which statute was, however, superseded by Political Code, sec. 457."—Code Commissioners' note.

ACT 4139.

Increasing number of deputies for limited period. [Approved March 16, 1889. Stats. 1889, p. 303.]

Repealed March 26, 1895, Stats. 1895, p. 88.

TITLE 505.**TRESPASS.****ACT 4144.**

Preventing persons passing through inclosures and leaving them open, and tearing down fences to make passages through inclosures. [Stats. 1871-2, p. 384.]

See sec. 7, 1875-6, 408; 1877-8, 49, 776.

TRESPASSING ANIMALS.

See Estrays.

TITLE 506.**TRINITY COUNTY.****ACT 4149.**

Additional contingent fund for. [Stats. 1877-8, p. 184.]

Repealed by subd. 18, sec. 25, County Government Act, 1897, 463.

ACT 4150.

Providing for construction and maintenance of free bridges in. [Stats. 1873-4, p. 62.]

ACT 4151.

County clerk of, salary of. [Stats. 1873-4, p. 184.]

Repealed by County Government Acts, see 1897, 568, sec. 210.

ACT 4152.

Authorizing transcribing of records in. [Stats. 1862, p. 164.]

Amended 1863, 22.

ACT 4153.

Public schools of, employment of teachers in. [Stats. 1873-4, p. 472.]

Amended 1875-6, 122. Probably repealed by Political Code, sec. 1696, as amended 1893, 255.

ACT 4154.

Supervisors to fix and pay compensation of under-sheriff of. [Stats. 1873-4, p. 593.]

Superseded by County Government Acts, see 1897, 563, sec. 210.

ACT 4155.

Fixing salary of members of board of supervisors. [Stats. 1871-2, p. 380.]

Repealed by County Government Act, 1897, 563, sec. 210.

ACT 4156.

Supervisors to fix rate of tolls to be charged on wagon roads. [Stats. 1873-4, p. 607.]

See County Government Act, 1897, 452, sec. 25, subd. 36.

TITLE 507.**TRUSTS.****ACT 4161.**

To provide for the more certain execution of express trusts in case of the death of the last surviving trustee. [Stats. 1867-8, p. 170.]

Superseded by Civil Code, secs. 2237-2239.

ACT 4162.

An act to encourage and provide for the dissemination of a knowledge of the arts, sciences, and general literature, and the founding, maintaining, and perpetuating public libraries, museums, and galleries of art, and the receipt of donations and contributions thereto when established; for the conveyance, holding, and protection of real property within this state suitable for the purposes herein designated, and the erection thereon of buildings appropriate to such purposes, and for

the creation of trusts necessary or proper for the better preservation of such institutions, and the control and management thereof.

[Approved March 5, 1887. Stats. 1887, p. 26.]

Manner of conveying gifts for dissemination of knowledge of arts, etc.

Section 1. Any person intending in his lifetime or by will or trust deed, to operate after his death, to found, maintain, and perpetuate in this state a public library, museum, gallery of art, or any or all thereof, for the diffusion of mechanical, scientific, artistic, and general knowledge, may to that end and for such purpose, and for any purpose within the purview of the title of this act, convey in writing by words denoting a gift or grant to one or more trustees named in such gift or grant, and to their successors, any library or collection of books and works for such public library, or any museum, or gallery of art in this state, and such gift or grant may also express and shall be construed to be a conveyance of the future additions and accretions thereof; and he may also in like manner, to that end, and for such purpose, convey by grant to such trustee or trustees any real property within this state belonging to him, which may be necessary or proper for the erection and maintenance of buildings suitable to such institution, and the buildings erected thereon, with grounds, conveniently adjacent thereto, and other lands, tenements, and hereditaments for the purpose of producing an income for the support and maintenance of such institutions, or any of them, and any collateral burdens which may be imposed by the terms of such foundation as part and parcel of the regulations for its conduct, and also personal property of all descriptions, which may subserve the purposes of the institution and maintenance of any such library, museum, or gallery of art.

Gifts by other than founder.

Sec. 2. Any contributions or gifts by any other person than the founder, of any property suitable to the general plan or support of any institution mentioned in the title of this act, shall immediately vest in the trustees, and become incorporated into and subject to the trust, and to all its terms and conditions, and be managed under the rules and regulations prescribed therefor.

Sec. 3. The person making such gift, grant, or conveyance, as founder, may therein designate,—

1. The name by which the institution so founded and maintained shall be known.

2. Its nature, object, and purposes.

3. The powers and duties of the trustees, which shall not be exclusive of other powers and duties that, in their judgment, may be necessary more effectually to carry out the purposes of such institution.

4. The mode and manner and by whom the successors to the trustees named in the gift or grant shall be appointed.

5. Such rules and regulations for the management of such institution, and the furtherance of its purposes, as the grantor may elect to prescribe; but such rules and regulations shall, unless the grant shall otherwise prescribe, be deemed advisory only, and shall not preclude such trustees or their successors from making such changes as new conditions may, from time to time, require.

6. The place or places where the necessary buildings shall be erected, and the general character thereof. The person making such grant may therein provide for all other things necessary or proper to carry out the purposes thereof, or otherwise, by his last will or testament.

Sec. 4. The trustees named in such gift or grant, and their successors, may, in the name of such institution designated in the gift or grant, sue and defend in relation to the trust property, and to all matters affecting the institution so founded and established.

Privileges granted to founder.

Sec. 5. By a provision in such gift or grant, the founder may elect, in respect to the personal and real property conveyed, and the additions and increase thereof, and in respect to the erection, maintenance, and management of any buildings auxiliary thereto, and in respect to any property connected with such institution, to reserve to himself a veto and right of annulment or modification of any act of such trustees, in case he shall, within thirty days after notice of the performance of such act, file in the office of said trustees, or deliver to their president or principal officer, a notice in writing, of such veto, annulment, or modification, and upon a like notice, in conformity with a

provision in such gift or grant, he may elect to perform during his life all the powers which, by the terms thereof, are vested in or enjoined upon the trustees therein named, and their successors; provided, that upon the death or disability to act of the founder and grantor, such powers and duties shall be devolved upon, and be exercised by, the trustees named in the gift or grant, and their successors. Such person may also reserve the right to alter, amend, or modify, at any time during his life, or by his last will and testament, the terms and conditions thereof, and the trusts therein created in respect to such institution, its buildings, and the property conveyed therefor.

Election of officers and compensation.

Sec. 6. The founder shall have power in said deed of trust to name and describe the character and personality of any one or more of the immediate or future trustees, the librarian, and other officers, and to name and impose any particular duty to be performed by any one or more trustees or other officers so described and characterized, and to declare and limit any compensation, and fix the character and method of such compensation he may choose to provide for any such trustee or other officer whom the terms of his foundation may characterize, and upon whom specific or general duties shall be imposed.

Gift, how recorded.

Sec. 7. Any such gift or grant may be executed, acknowledged, and recorded in the manner now or hereafter provided by law for the execution, acknowledgment, and recording of grants of real property.

Time of commencing suit.

Sec. 8. No suit, action, or proceeding shall be commenced or maintained by any person to set aside, annul, or affect said gift, grant, or conveyance, or to affect the title to the property conveyed, or the right to the possession or to the rents, issues, and profits thereof, unless the same be commenced within two years after the date of the filing of such grant for record.

Founder may bequeath to state of California.

Sec. 9. Any person, being the founder, making a gift or grant for any of the purposes mentioned in this act, may, at any time thereafter, by last will or testament, devise or bequeath to the state of California all or any of the

property, real, and personal, mentioned in such gift or grant, or in any such supplemental thereto, and such devise or bequest shall take effect in case, from any cause whatever, the gift or grant shall be annulled or set aside, or the trusts therein declared shall for any reason fail. Such devise or bequest is hereby suffered to be made by way of assurance that the intentions of the grantor shall be carried out, and in the faith that the state, in case it shall succeed to the property, or any part thereof, will, to the extent and value of such property carry out, in respect to the objects and purposes of any such grant, all the wishes and intentions of the grantor.

Liberal construction of provisions.

Sec. 10. The provisions of this act shall be liberally construed, with a view to effect its objects and purposes, and the singular number in the construction thereof shall be deemed to include the plural, and the plural number shall be deemed to include the singular.

Universities, colleges, schools, etc.

Sec. 11. Nothing in this act shall repeal, modify, change, or have any effect upon any of the provisions of an act of the legislature of the state of California entitled "An act to advance learning, the arts and sciences, and to promote the public welfare by providing for the conveyance, holding, and protection of property, and the creation of trusts for the funding, endowment, erection, and maintenance, within this state, of universities, colleges, schools, seminaries of learning, mechanical institutes, museums, and galleries of art," approved March ninth, eighteen hundred and eighty-five.

Sec. 12. This act shall take effect immediately.

ACT 4163.

An act to advance learning, the arts and sciences, and to promote the public welfare, by providing for the conveyance, holding, and protection of property, and the creation of trusts for the founding, endowment, erection, and maintenance within this state of universities, colleges, schools, seminaries of learning, mechanical institutes, museums, and galleries of art.

[Approved March 9, 1885. Stats. 1885, p. 49.]

Amended 1891, 454. Supplemented 1902, 140. See next act.
Cal. Rep. Cit. 113, 134; 113, 139.

provision in such gift or grant, he may elect to perform during his life all the powers which, by the terms thereof, are vested in or enjoined upon the trustees therein named, and their successors; provided, that upon the death or disability to act of the founder and grantor, such powers and duties shall be devolved upon, and be exercised by, the trustees named in the gift or grant, and their successors. Such person may also reserve the right to alter, amend, or modify, at any time during his life, or by his last will and testament, the terms and conditions thereof, and the trusts therein created in respect to such institution, its buildings, and the property conveyed therefor.

Election of officers and compensation.

Sec. 6. The founder shall have power in said deed of trust to name and describe the character and personality of any one or more of the immediate or future trustees, the librarian, and other officers, and to name and impose any particular duty to be performed by any one or more trustees or other officers so described and characterized, and to declare and limit any compensation, and fix the character and method of such compensation he may choose to provide for any such trustee or other officer whom the terms of his foundation may characterize, and upon whom specific or general duties shall be imposed.

Gift, how recorded.

Sec. 7. Any such gift or grant may be executed, acknowledged, and recorded in the manner now or hereafter provided by law for the execution, acknowledgment, and recording of grants of real property.

Time of commencing suit.

Sec. 8. No suit, action, or proceeding shall be commenced or maintained by any person to set aside, annul, or affect said gift, grant, or conveyance, or to affect the title to the property conveyed, or the right to the possession or to the rents, issues, and profits thereof, unless the same be commenced within two years after the date of the filing of such grant for record.

Founder may bequeath to state of California.

Sec. 9. Any person, being the founder, making a gift or grant for any of the purposes mentioned in this act, may, at any time thereafter, by last will or testament, devise or bequeath to the state of California all or any of the

property, real, and personal, mentioned in such gift or grant, or in any such supplemental thereto, and such devise or bequest shall take effect in case, from any cause whatever, the gift or grant shall be annulled or set aside, or the trusts therein declared shall for any reason fail. Such devise or bequest is hereby suffered to be made by way of assurance that the intentions of the grantor shall be carried out, and in the faith that the state, in case it shall succeed to the property, or any part thereof, will, to the extent and value of such property carry out, in respect to the objects and purposes of any such grant, all the wishes and intentions of the grantor.

Liberal construction of provisions.

Sec. 10. The provisions of this act shall be liberally construed, with a view to effect its objects and purposes, and the singular number in the construction thereof shall be deemed to include the plural, and the plural number shall be deemed to include the singular.

Universities, colleges, schools, etc.

Sec. 11. Nothing in this act shall repeal, modify, change, or have any effect upon any of the provisions of an act of the legislature of the state of California entitled "An act to advance learning, the arts and sciences, and to promote the public welfare by providing for the conveyance, holding, and protection of property, and the creation of trusts for the funding, endowment, erection, and maintenance, within this state, of universities, colleges, schools, seminaries of learning, mechanical institutes, museums, and galleries of art," approved March ninth, eighteen hundred and eighty-five.

Sec. 12. This act shall take effect immediately.

ACT 4163.

An act to advance learning, the arts and sciences, and to promote the public welfare, by providing for the conveyance, holding, and protection of property, and the creation of trusts for the founding, endowment, erection, and maintenance within this state of universities, colleges, schools, seminaries of learning, mechanical institutes, museums, and galleries of art.

[Approved March 9, 1885. Stats. 1885, p. 49.]

Amended 1891, 454. Supplemented 1908, 140. See next act.
Cal. Rep. Cit. 113, 134; 113, 139.

Construction of act.

Section 1. The provisions of this act shall be liberally construed with a view to effect its objects and promote its purposes; and in the construction thereof the singular number shall be deemed to include the plural, and the plural shall be deemed to include the singular number, and the masculine gender shall be deemed to include the feminine.

Grant.

Sec. 2. Any person desiring in his lifetime to promote the public welfare by founding, endowing, and maintain[ing] within this state a university, college, school, seminary of learning, mechanical institute, museum, botanic garden, public park, or gallery of art, or any or all thereof, may, to the end and for such purpose, by grant in writing convey to a trustee, or any number of trustees, named in such grant (and to their successors), any property, real or personal, belonging to such person and situated or being within this state; provided, that if such person be married and the property be community property, then both husband and wife must join in such grant. [Amendment approved March 31, 1891. Stats. 1891, p. 454.]

Requisites.

Sec. 3. The person making such grant may therein designate:

1. The nature, object, and purposes of the institution or institutions to be founded, endowed, and maintained;
2. The name by which it or they shall be known;
3. The powers and duties of the trustees, and the manner in which they shall account, and to whom, if accounting be required; but such powers and duties shall not be held to be exclusive of other powers and duties which may be necessary to enable such trustees to fully carry out the objects of such grant;
4. The mode and manner, and by whom, the successors to the trustee or trustees named in the grant are to be appointed;
5. Such rules and regulations for the management of the property conveyed as the grantor may elect to prescribe; but such rules shall, unless the grantor otherwise prescribe, be deemed advisory only, and shall not preclude

such trustees from making such changes as new conditions may from time to time require;

6. The place or places where and the time when the buildings necessary and proper for the institution or institutions shall be erected, and the character and extent thereof. The person making such grant may therein provide for all other things necessary and proper to carry out the purposes thereof, and especially may such person provide for the trades and professions which shall be taught in such institutions, and the terms upon which deserving scholars of the public and private schools of the various counties of this state may be admitted to all the privileges of such institutions, as a reward for meritorious conduct and good scholarship; and also for maintaining free scholarships for children of persons who have rendered service to or who have died in the service of this state; and also for maintaining free scholarships for children of mechanics, tradesmen, and laborers, who have died without leaving means sufficient to give such children a practical education, fitting them for the useful trades or arts; and also the terms and conditions upon which students in the public and private schools, and other deserving persons, may, without cost to themselves, attend the lectures of any university established; and also the terms and conditions upon which the museums, and art galleries, and conservatories of music, connected with any such institution, shall be open to all deserving persons without charge, and without their becoming students of the institution.

Actions by trustees.

Sec. 4. The trustee or trustees named in such grant, and their successors, may, in the name of the institution or institutions, as designated in such grant, sue and defend, in relation to the trust property, and in relation to all matters affecting the institution or institutions endowed and established by such grant.

Grantor as trustee.

Sec. 5. The person making such grant, by a provision therein, may elect, in relation to the property conveyed, and in relation to the erection, maintenance, and management of such institution or institutions, to perform, during his life, all the duties and exercise all the powers which,

by the terms of the grant, are enjoined upon and vested in the trustee or trustees named. If the person making such grant, and making the election aforesaid, be a married person, such person may further provide that if the wife of such person survive him, then such wife, during her life, may, in relation to the property conveyed, and in relation to the erection, maintenance, and management of such institution or institutions, perform all the duties and exercise all the powers which, by the terms of the grant, are enjoined upon and vested in the trustee and trustees therein named, and in all such cases the powers and duties conferred and imposed by such grant upon the trustee or trustees therein named shall be exercised and performed by the person making such grant, or by his wife, during his or her life, as the case may be; provided, however, that upon the death of such person, or his surviving wife, as the case may be, such powers and duties shall devolve upon and shall be exercised by the trustees named in the grant, and their successors.

Amending grant.

Sec. 6. The person making such grant may therein reserve the right to alter, amend, or modify the terms and conditions thereof, and the trusts therein created, in respect to any of the matters mentioned or referred to in subdivisions one to six, inclusive, of section two hereof; and may also therein reserve the right, during the life of such person or persons, of absolute dominion over the personal property conveyed, and also over the rents, issues, and profits of the real property conveyed, without liability to account therefor in any manner whatever, and without any liability over against the estate of such person; and if any such person be married, such person may, in said grant, further provide that if his wife survive him, then such wife, during her life, may have the same absolute dominion over such personal property, and such rents, issues, and profits, without liability to account therefor in any manner whatever, and without liability over against the estate of either of the spouses.

Custody of minors.

Sec. 7. The person making such grant may therein provide that the trustees named in the grant, and their successors, may, in the name of the institution or institu-

tions, become the custodian of the person of minors, and when any such provision is made in a grant, the trustees and their successors may take such custody and control in the manner and for the time and in accordance with the provisions of sections two hundred and sixty-four to two hundred and seventy-six, inclusive, of the Civil Code of the state of California.

Execution of grant.

Sec. 8. Any such grant may be executed, acknowledged, and recorded in the same manner as is now provided by law for the execution, acknowledgment, and recording of grants of real property.

Annulling grant.

Sec. 9. No suit, action, or proceeding shall be commenced or maintained by any person to set aside, annul, or affect said conveyance, or to affect the title to the property conveyed, or the right to the possession, or to the rents, issues, and profits thereof, unless the same be commenced within two years after the date of filing such grant for record; nor shall any defense be made to any suit, action, or proceedings commenced by the trustee or trustees named in said grant, or their successors, privies, or persons holding under them, which defense involves the legality of said grant, or affects the title to the property thereby conveyed, or the right to the possession, or the rents, issues, and profits thereof, unless such defense is made in a suit, action, or proceeding commenced within two years after such grant shall have been filed for record.

Exemption from execution.

Sec. 10. The property conveyed by such grant shall not, after a lapse of two years from the date of the filing for record of the grant, be subject to forced sale, under execution, or judicial proceedings of any kind, against the grantor or his privies, unless the action under which the execution shall be issued, or the proceedings under which the sale shall be ordered, shall have been commenced within two years after such grant shall have been filed for record. Nor shall such property be subject to execution or forced sale under any judgment obtained in any proceedings instituted within said two years, if there be other property of the grantor, subject to execution or forced sale sufficient to satisfy such judgment; provided, nothing

in this section contained shall be construed to affect mechanics' or laborers' liens.

Bequest to state.

Sec. 11. Any person or persons making any such grant may, at any time thereafter, by last will or testament, devise and bequeath to the state of California all or any of the property, real and personal, mentioned in such grant, or in any supplemental grant, and such devise or bequest shall only take effect in case, from any cause whatever, the grant shall be annulled or set aside, or the trusts therein declared shall for any reason fail. Such devise and bequest is hereby permitted to be made by way of assurance that the wishes of the grantor or grantors shall be carried out, and in the faith that the state, in case it succeeds to the property, or any part thereof, will, to the extent and value of such property, carry out, in respect to the objects and purposes of any such grant, all the wishes and intentions of the grantor or grantors; provided, that no wish, direction, act, or condition expressed, made, or given by any grantor or grantors, under or by virtue of this act, as to religious instruction to be given in such school, college, seminary, mechanical institute, museum, or gallery of art, or in respect to the exercise of religious belief, on the part of any pupil or pupils of such school or institution of learning, shall be binding upon the state; nor shall the state enforce, or permit to be enforced or carried out, any such wish, direction, act, or condition.

Sec. 12. This act shall be in force from and after its passage.

ACT 4164.

An act supplemental to an act entitled "An act to advance learning, the arts and sciences, and to promote the public welfare, by providing for the conveyance, holding, and protection of property, and the creation of trusts for the founding, endowment, erection, and maintenance within this state of universities, colleges, schools, seminaries of learning, mechanical institutes, museums, and galleries of art," approved March 9, 1885, concerning the resignation, relinquishment or surrender of rights, powers, privileges and duties reserved to or vesting in the founder or founders, surviving founder, or wife or widow of any founder, of any institution

created or founded under or pursuant to said act, and concerning the assumption and exercise of powers and duties by the trustee or trustees of such institution.

[Approved March 13, 1903. Stats. 1903, p. 140.]

The people of the state of California, represented in senate and assembly, do enact as follows:

Section 1. The founder or founders, surviving founder, or wife or widow of any founder, of a university, college, school, seminary of learning, mechanical institute, museum, gallery of art, library or any other institution, or any or all thereof, founded under or pursuant to an act entitled "An act to advance learning, the arts and sciences, and to promote the public welfare, by providing for the conveyance, holding, and protection of property, and the creation of trusts for the founding, endowment, erection, and maintenance within this state of universities, colleges, schools, seminaries of learning, mechanical institutes, museums, and galleries of art," approved March 9, 1885, may, by an instrument in writing, resign, relinquish and surrender all the rights, powers, privileges and duties reserved to or vesting in such founder or founders, surviving founder, or wife or widow of such founder, over, in, or concerning any of the property granted or given to such institution or institutions, or over or concerning any such institution or institutions so founded, and thereupon all estates, rights, powers, privileges, trusts and duties which would otherwise vest in or devolve upon the trustee or trustees of the trusts and estates created for the founding, endowment and maintenance of any such institution or institutions upon the death of the person or persons so resigning, relinquishing and surrendering, by the terms of the grant founding the institution or institutions, and amendments thereof, and by the terms of any grants, gifts, bequests, and devises supplementary thereto, or of any confirmatory grants, shall immediately vest in and devolve upon such trustee or trustees. Nothing herein contained shall prevent such person or persons so resigning, relinquishing and surrendering such rights, powers, privileges, or duties from thereafter becoming and serving as one of such trustees, or from becoming and serving as an officer of any board of such trustees.

Sec. 2. This act shall take effect and be in force from and after its passage.

ACT 4105.

An act to provide for proceedings for the ascertainment of the existence and terms of, and for the determination of the validity and legal effect of grants or other instruments creating, changing or affecting trusts and estates for the founding, endowment and maintenance of a university, college, school, seminary of learning, mechanical institute, museum, gallery of art, or library, or any other institution, or any or all thereof, under or pursuant to an act entitled "An act to advance learning, the arts and sciences, and to promote the public welfare, by providing for the conveyance, holding, and protection of property, and the creation of trusts for the founding, endowment, erection, and maintenance within this state of universities, colleges, schools, seminaries of learning, mechanical institutes, museums, and galleries of art," approved March 9, 1885, or under or pursuant to an act entitled "An act to encourage and provide for the dissemination of a knowledge of the arts, sciences, and general literature, and the founding, maintaining, and perpetuating public libraries, museums, and galleries of art, and the receipt of donations and contributions thereto when established; for the conveyance, holding and protection of real property within this state suitable for the purposes herein designated, and the erection thereon of buildings appropriate to such purposes, and for the creation of trusts necessary or proper for the better preservation of such institutions, and the control and management thereof," approved March 5, 1887.

[Approved February 10, 1903. Stats. 1903, p. 9.]

The people of the state of California, represented in senate and assembly, do enact as follows:

Section 1. The trustee or trustees of any trust or trusts heretofore or hereafter created for the founding, endowment and maintenance of a university, college, school, seminary of learning, mechanical institute, museum, gallery of art, library or any other institution, or any or all thereof, under or pursuant to an act entitled "An act to advance learning, the arts and sciences, and to promote the public welfare, by providing for the conveyance, holding, and protection of property, and the creation of trusts

for the founding, endowment, erection, and maintenance within this state of universities, colleges, schools, seminaries of learning, mechanical institutes, museums, and galleries of art," approved March 9, 1885, or under or pursuant to an act entitled "An act to encourage and provide for the dissemination of a knowledge of the arts, sciences, and general literature, and the founding, maintaining, and perpetuating public libraries, museums, and galleries of art, and the receipt of donations and contributions thereto when established; for the conveyance, holding and protection of real property within this state suitable for the purposes herein designated, and the erection thereon of buildings appropriate to such purposes, and for the creation of trusts necessary or proper for the better preservation of such institutions, and the control and management thereof," approved March 5, 1887, may commence a special proceeding in and by which may be determined all questions of law and fact affecting the existence of, and the due and voluntary execution and delivery, and the terms, validity and legal effect of the grant or grants founding the same, and of all amendments or attempted amendments thereof, and of any supplemental grants or gifts, and of any confirmatory conveyances, of the founder or founders, or surviving founder, or wife or widow of any such founder; and in and by which may be determined all questions of law and fact affecting the due and voluntary execution and delivery, and the validity and legal effect, of any gift or grant made in general terms for the benefit of the institution or institutions, or of any department thereof, or of any gift or grant made in general terms for the benefit of the institution or institutions, or of any department thereof, upon the trusts provided for in the grant founding the institution or institutions, and amendments thereof and grants, bequests and devises supplementary thereto; and in and by which may be determined all questions bearing upon the passing to the trustee or trustees of the legal title to the properties, real and personal, conveyed or attempted to be conveyed, so far as such property or the proceeds thereof, or any property acquired in exchange therefor or with proceeds thereof, may be described in the petition herein provided for, and the interest or title of the trustee or trustees in or to any such property described in such petition; and in and by which may be

determined all questions of law and fact affecting the due and voluntary execution and delivery, and the validity and legal effect, of any grant or surrender by any such founder or founders, surviving founder, or wife or widow of any founder, to, or in favor of, such trustee or trustees, of any rights, powers, privileges or duties reserved to or vesting in any such person or persons over or concerning any property described in the petition herein provided for, or over or concerning any such institution or institutions so founded, which would otherwise vest in or devolve upon such trustee or trustees upon the death of the person or persons so granting or surrendering the same, and of any relinquishment or release by the founder or founders, surviving founder, or wife or widow of any founder, of any other such rights, powers, privileges or duties so reserved to or vesting in any such person or persons. To this end the trustee or trustees of any trust hereinbefore referred to, in the name of the institution or institutions so founded, or in the name of the trustee or trustees of such institution or institutions, or in the name of the board of trustees of such institution or institutions, may file, in the superior court of the county in which the lands described in the founding grant or grants, or some portion thereof, are situated, or, if no real estate has been granted as herein provided to such trustees, then in the county where the main part of any such institution or institutions is situated, a petition in writing, signed by counsel for such trustee or trustees, or by counsel for a majority thereof, which petition shall contain copies of all such grants, amendments, attempted amendments, supplemental grants, instruments of gift, confirmatory conveyances, and grants and instruments of surrender, relinquishment or release, hereinbefore mentioned or referred to, so far as known to such trustee or trustees; and the petition shall allege in general terms the due and voluntary execution and delivery, and the validity, of any and all of such instruments, copies of which are set out in the petition, and shall describe all property, real and personal, the legal title to which is held or claimed to be held by said trustee or trustees under or by virtue of any or all of such instruments, whether or not the same be the original property conveyed, the proceeds thereof, or re-invested proceeds; and the

petition shall allege in general terms the estate or interest which the trustee or trustees have or claim in or to the property described; and the petition shall pray, in effect, that the court examine and determine all questions of law and fact affecting the due and voluntary execution and delivery, and the terms, validity and legal effect of all such instruments, copies of which are so set out in the petition; and that the court examine and determine all questions bearing upon the passing to the trustee or trustees, of the legal title to all the properties, real and personal, so conveyed or attempted to be conveyed, so far as the same or the proceeds thereof, or any property acquired in exchange therefor or with the proceeds thereof, may be described in said petition; and that the court examine and determine the interest or title of the trustee or trustees in or to any such property; and that it be established and determined that the trustee or trustees are rightfully vested with the legal title thereto.

Sec. 2. The court or judge shall fix the time for the hearing of said petition, and shall order the clerk of the court to post in at least three public places in the county a notice of the filing of said petition, attached to a copy of said petition, and order a copy of such notice together with a copy of the petition to be personally served upon the founder or founders, if living, and upon the surviving wife or widow of any founder, and upon any living grantor or donor of any other grant or gift set out in the petition, and may order such other or further notice to be given as the judge or court may deem proper. Such notice shall be posted and served at least ten days before the hearing. If the court or judge finds upon the hearing that due and proper notice has not been given as herein provided, it shall reset the hearing and cause such due and proper notice to be given. The notice and petition shall be entitled substantially in the following form:

In the superior court of the ——— county of ———, state of California.

In the matter of the petition of ——— (giving the name or names in which the petition is brought) for the ascertainment of the existence and terms of, and for the determination of the validity and legal effect of grants or other instruments creating, changing or affecting trusts and estates for the founding, endowment and

maintenance of ——— (naming the institution or institutions founded).

The notice shall state the time and place fixed for the hearing of the petition and shall be addressed to the founder or founders, living, and to the surviving wife or widow of any founder, and the living grantor or donor of any other grant or gift set out in the petition, and in general terms to all other persons having or claiming any interest in, or rights, powers, or duties over or concerning the property described in the petition; and shall direct that they and each of such persons appear and answer said petition on or before the time set for said hearing; and shall state that unless said persons so appear and demur or answer, the petitioners will apply to the court to grant the prayer of the petition, and that each person failing to so appear and answer, shall be deemed to admit as true all the material allegations of the petition.

Any of the persons so required to be served, or any other person so interested may waive notice by written waiver filed with the clerk of the court.

Sec. 3. Any person interested in the determination of any of the questions presented by the petition may demur to or answer said petition and may set up any new matter affecting the determination of any such questions. Any allegation of the petition or answer may be made upon information and belief. The provisions of the Code of Civil Procedure respecting the demurrer and the answer to a verified complaint, shall be applicable to a demurrer or answer to said petition. The persons so demurring to or answering said petition shall be the defendants to said special proceeding and the petitioners shall be the plaintiffs. Every material statement of the petition not specifically controverted by the answer must, for the purposes of said special proceeding, be taken as true; and each person failing to answer the petition shall be deemed to admit as true all the material allegations of the petition. The rules of pleading and practice provided for by the Code of Civil Procedure, which are not inconsistent with the provisions of this act, are applicable to the special proceeding herein provided for.

Sec. 4. Upon the hearing of such special proceeding, the court shall have power and jurisdiction to examine

into and determine all questions of law and fact within the scope of the proceeding herein provided for, whether presented by the petition or answer, or by the proofs upon the hearing.

The court shall find and determine whether the notice of the filing of said petition has been duly given for the time and in the manner in this act prescribed.

The costs of the special proceeding may be allowed and apportioned between all parties, in the discretion of the court.

Sec. 5. A certified copy of the judgment of the court in such special proceeding shall be recorded in the office of the recorder of the county in which the action is brought and in the office of the recorder of every county in which any of the real property affected is situated.

Sec. 6. The judgment of the court in such special proceeding shall be determinative of the terms and trusts upon which any property thereafter given for the benefit of such institution or institutions, or any department thereof, shall be held by such trustee or trustees, unless otherwise provided by the grantor or donor of such property.

Sec. 7. This act shall take effect and be in force from and after its passage.

TITLE 50A

TULARE COUNTY.

ACT 4170.

Assessors, act fixing salary and bond of. [Stats. 1875-6, p. 172.]

Superseded by County Government Acts, see 1897, 521, 535, secs. 170, 182.

ACT 4171.

Board of health, establishing. [Stats. 1877-8, p. 558.]

Superseded by subd. 20, sec. 25, County Government Act, 1897, 464.

ACT 4172.

County auditor and county recorder, separation of offices of, and regulation of official salaries in. [Stats. 1875-6, p. 151.]

Amended 1875-6, 363; 1877-8, 104. Repealed by County Government Acts, see 1897, 535, sec. 182.

ACT 4172.

Separating offices of county recorder and county clerk.
[Stats. 1873-4, p. 60.]

Repealed by County Government Act, 1897, 473, sec. 55.

ACT 4174.

Public roads in. [Stats. 1873-4, p. 283.]

Amended 1875-6, 11. Repealed 1875-6, 531.

ACT 4175.

Making applicable to of act of February 21, 1872, 141, regulating the traveling fees of sheriff. [Stats. 1873-4, p. 45.]

Repealed 1877-8, 560.

ACT 4176.

Traveling fees of sheriff of. [Stats. 1877-8, p. 559.]

Repealed by fee bill of 1895, 269.

ACT 4177.

To increase the number of superior judges. [Stats. 1891, p. 61.]

ACT 4178.

To reduce the number of judges of the superior court.
[Stats. 1895, p. 128.]

ACT 4179.

Tax collector, bonds of. [Stats. 1875-6, p. 16.]

Repealed by County Government Act, 1897, 475, sec. 16.

ACT 4180.

Concerning water ditches and water privileges for agricultural and manufacturing purposes in Tulare County.
[Stats. 1867-8, p. 112.]

ACT 4181.

Concerning water ditches and water privileges in, for irrigating, mining and manufacturing purposes. [Stats. 1875-6, p. 547.]

TITLE 509.**TUOLUMNE COUNTY.****ACT 4186.**

Lawful fences in. [Stats. 1863-4, p. 475.]

ACT 4187.

To provide for care and maintenance of indigent sick of.
[Stats. 1877-8, p. 596.]

Superseded by subd. 5, sec. 25, County Government Act,
1897, 458.

ACT 4188.

Township officers, regulating. [Stats. 1873-4, p. 453.]

Repealed by County Government Acts, see 1897, 474, sec. 56;
also Code Civil Procedure, sec. 108.

ACT 4189.

Salaries of certain officers of. [Stats. 1875-6, p. 45.]

Repealed by County Government Acts, see 1897, 556, sec. 197.

ACT 4190.

Supervisors, prescribing commencement of terms. [Stats.
1873-4, p. 154.]

Repealed by County Government Act, 1897, 452.

ACT 4191.

Treasurers of, bonds of. [Stats. 1875-6, p. 17.]

Repealed by County Government Acts, see 1897, 475, sec. 66.

TITLE 510.**TUOLUMNE RIVER.****ACT 4196.**

Authorizing the construction of a bridge across the
Tuolumne River at Modesto. [Stats. 1877-8, p. 455.]

ACT 4197.

To declare the head of navigation in. [Stats. 1854, p. 203.]

See Political Code, sec. 2349.

TITLE 511.**TURNPIKE CORPORATIONS.****ACT 4202.**

To authorize formation of plank or turnpike road corpora-
tions. [Stats. 1857, p. 171.]

See note to act 632, ante.

TITLE 512.**UKIAH.****ACT 4207.**

Incorporation of. [Stats. 1875-6, p. 162.]

Superseded by incorporation, in 1886, under Municipal Govern-
ment Act of 1883.

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1442 UNINCORPORATED ASSOCIATIONS—U. S. FLAG.

UNINCORPORATED ASSOCIATIONS.

See Benefit Societies; Boards of Trade; Chambers of Commerce; Co-operative Associations; Mechanics' Institutes.

TITLE 513.

UNION.

ACT 4209.

Incorporating town of Union. [Stats. 1858, p. 7.]

Amended 1869-70, 414; 1872-4, 280.

This is now Arcata, 1860, 109.

TITLE 514.

UNITED STATES.

ACT 4212.

Giving the consent of the legislature of the state to the purchase by the United States of land within this state for public purposes. [Stats. 1852, p. 149.]

Superseded by Political Code, sec. 34.

ACT 4213.

Granting right of way to the United States for railroad from Atlantic to Pacific. [Stats. 1852, p. 150.]

ACT 4214.

Providing for the relinquishment to the United States of lands required for military or naval purposes. [Stats. 1859, p. 26.]

ACT 4215.

Ceding jurisdiction to the United States over lands near Lime Point. [Stats. 1859, p. 334.]

TITLE 515.

UNITED STATES COAST SURVEY.

ACT 4220.

To authorize persons engaged in United States coast survey to enter upon lands within the state. [Stats. 1852, p. 147.]

TITLE 516.

UNITED STATES FLAG.

ACT 4225.

To prohibit the desecration of. [Approved March 2, 1899. Stats. 1899, p. 46.]

TITLE 517.

ACT 4230. UNITED STATES SENATORS.

To ascertain and express the will of the people of the state of California upon the subject of election of United States senators. [Approved March 10, 1891. Stats. 1891, p. 46.]

This act provided for submitting to the people at the general election following the passage of this act the question of the election of United States senators by direct vote.

TITLE 518.

ACT 4240. UNIVERSITY OF CALIFORNIA.

To create and organize the University of California. [Stats. 1867-8, p. 248.]

Amended 1871-2, 655; 1897, 65.

Cal.Rep.Cit. 54, 31; 54, 33; 69, 216; 71, 120; 104, 658; 123, 617; 123, 623.

"Probably repealed by the code, but if so, revived and made irrepealable by sec. 9, art. IX, of the constitution of 1879."—Code Commissioners' note.

ACT 4241.

For the endowment of. [Stats. 1869-70, p. 668.]

Cal.Rep.Cit. 123, 619.

ACT 4242.

Permanent endowment for. [Stats. 1877-8, p. 337.]

ACT 4243.

To provide for the permanent support and improvement of, by the levy of a rate of taxation and the creation of a fund therefor. [Stats. 1887, p. 2.]

ACT 4244.

To provide additional support and maintenance, and for the acquisition of necessary property and improvements for the University of California, by the levy of a rate of taxation, and the creation of a fund therefor. [Approved February 27, 1897. Stats. 1897, p. 44.]

Cal.Rep.Cit. 123, 623.

ACT 4245.

To provide a continuous appropriation for the support and maintenance of the University of California, to be an item of the general appropriation bill. [Approved March 15, 1901. Stats. 1901, p. 307.]

This act appropriated the sum of \$200,000 biennially.

ACT 4246.

To grant to the regents of the University of California the north one half of section sixteen, township seven south, of range three east, Mount Diablo meridian, and authorize the exchange thereof. [Approved March 16, 1889. Stats. 1889, p. 229.]

ACT 4247.

To appropriate money to reimburse the university for moneys heretofore appropriated to the endowment fund, which moneys have been by mistake withheld therefrom and appropriated to other state purposes. [Stats. 1881, p. 51.]

Repealed 1893, 77. See 1899, 93.

ACT 4248.

Appropriations for the benefit of. [Stats. 1901, p. 110.]

This act appropriated \$50,000 to supply a loss in the permanent fund to supply a loss through a mortgage made to one William C. Turner.

ACT 4249.

To provide for the better control of the funds of, and for the investment and security of the same. [Stats. 1883, p. 54.]

Cal.Rep.Cit. 66, 508.

Unconstitutional. (People v. Kewen, 69 Cal. 215.)

ACT 4250.

To authorize the insurance of all property of the University of California held for purposes of income against damages or loss. [Approved March 20, 1899. Stats. 1899, p. 152.]

ACT 4251.

Concerning the selection and sale of university lands. [Stats. 1873-4, p. 356.]

Amended 1883, 86.

This act also related to the determination of land contests.

ACT 4252.

Authorizing the regents of the state university to hold farmers' institutes, making an appropriation therefor, and prescribing the duties of the controller and treasurer in relation thereto. [Approved March 18, 1903. Stats. 1903, p. 205.]

ACT 4253.

Intoxicating liquors, prohibiting sale of within two miles of. [Stats. 1873-4, p. 12.]

Superseded by Penal Code, sec. 172, as amended April 3, 1876.

ACT 4254.

Appropriating two hundred and fifty thousand dollars for the erection of buildings for the use of affiliated and other departments of the University of California. [Stats. 1895, p. 69.]

ACT 4255.

To appropriate one hundred and twenty-five thousand dollars for the erection of buildings for the use of affiliated and other departments of the University of California, in San Francisco. [Approved February 23, 1897. Stats. 1897, p. 14.]

ACT 4256.

Concerning the medical department of. [Stats. 1881, p. 24.]

TITLE 519.**ACT 4261.****VAGRANCY.**

To punish vagrants, vagabonds and dangerous and suspicious persons. [Stats. 1855, p. 217.]

Amended 1856, 32; 1863, 770. Superseded by Penal Code, sec. 647.

TITLE 520.**VALLEJO.****ACT 4262.**

To incorporate the town of Vallejo. [Stats. 1865-6, p. 481.]

Superseded by the charter, Stats. 1899, 370

ACT 4267.

To incorporate. [Stats. 1871-2, p. 566.]

Amended 1871-2, 757; 1873-4, 360, 381; 1875-6, 25; 1877-8, 398. Superseded by charter of Vallejo, 1899, 370.

ACT 4268.

Vallejo township board of education, establishing. [Stats. 1873-4, p. 160.]

Amended 1875-6, 9.

The code commissioners say of this act: "But if the city of Vallejo is a part thereof, this statute is modified or repealed by the charter of that city, 1899, 370."

TITLE 521.

VENTURA COUNTY.

ACT 4273.

Creating and establishing boundaries of. [Stats. 1871-2, p. 484.]

Amended 1873-4, p. 865, sec. 4, chap. CCLXIX. Section 15 repealed by Political Code, sec. 791.

ACT 4274.

Legal distances, defining. [Stats. 1873-4, p. 21.]

Repealed by Political Code, sec. 200.

ACT 4275.

Fixing salaries of certain officers of. [Stats. 1873-4, p. 618.]

Repealed as to county judges by the constitution of 1879, and as to the other offices by the County Government Acts. See 1897, 452.

ACT 4276.

Bonds of officers of. [Stats. 1877-8, p. 334.]

Repealed by County Government Acts, see 1897, 475, sec. 66.

TITLE 522.

VETERANS' HOME.

ACT 4281.

To provide for the erection of a modern hospital for the veterans' home located at Yountville. [Stats. 1901, p. 823.]

ACT 4282.

To recognize the veterans' home at Yountville as a state home for the maintenance of disabled soldiers and sailors of the United States and to designate an officer to receive money appropriated by the United States on account of said home. [Stats. 1889, p. 418.]

ACT 4283.

To accept from the veterans' home association the conveyance of, and to vest the title in the state of California, to the tract of land in Napa County known as the veterans' home, with the improvements and furnishings thereon, to make the same a state home for United States soldiers, sailors, and marines, and to provide for the government thereof by the state. [Approved March 11, 1897. Stats. 1897, p. 106.]

Amended 1903, 321.

ACT 4284.

Authorizing associated veterans of Mexican war to exchange lands. [Stats. 1871-2, p. 363.]

Amended 1881, 66.

ACT 4285.

To authorize directors of the veterans' home association to exchange certain lands in San Francisco for certain other property belonging to said city and county or for a lease of said property. [Stats. 1891, p. 184.]

ACT 4286.

Appropriation for support of indigent persons residing in veterans' home. [Stats. 1883, p. 55.]

Amended 1887, 6; 1893, 214; 1899, 147; 1901, 275.

ACT 4287.

To enable any county, city and county, city, or town to lease property to any association of veteran soldiers, sailors, or marines. [Stats. 1897, p. 113.]

ACT 4288.

Authorizing the state treasurer to pay over to the treasurer of the veterans' home association moneys received by him under an act of congress. [Stats. 1895, p. 26.]

TITLE 523**VETERINARY SURGERY.****ACT 4392.**

An act entitled an act to regulate the practice of veterinary medicine and surgery in the state of California.

[Approved March 23, 1893. Stats. 1893, p. 289.]

Amended 1903, 258.

Section 1. It shall be unlawful for any person or persons to practice veterinary medicine and surgery in the state of California without having previously obtained a diploma from a college duly authorized to grant such to students in veterinary medicine and surgery, or to those who have passed satisfactory examinations before the state veterinary medical board, as hereinafter provided for; provided, that nothing in this act shall prevent the medical or surgical treatment of stock by the owners or the employees of owners, or by neighbors who do not as-

sume to be practitioners of veterinary medicine or surgery. [Amendment approved March 20, 1903. Stats. 1903, p. 258.]

Sec. 2. 1. This board of examiners shall be known as the state veterinary medical board, and shall consist of five duly qualified practitioners in veterinary medicine and surgery, whose duty it shall be to carry out the purposes and enforce the provisions of this act.

2. The members of the state veterinary medical board shall be appointed by the governor of the state.

3. The board so appointed shall hold their offices for four (4) years, and the compensation of each member of said state veterinary medical board shall be five dollars per diem, exclusive of all necessary expenses while actually engaged in the duty of their office at the meetings of said board.

4. A meeting of the state veterinary medical board shall be held at least once in every six months after the appointment of said board by the governor of the state of California, such meetings to be held alternately in San Francisco and Los Angeles.

5. Three members of the state veterinary medical board shall constitute a quorum.

6. Said compensation to be paid out of the fees and penalties received under the provisions of this act, and no part of the salary or other expenses of the state veterinary medical board shall be paid out of the state treasury.

7. All moneys received by said state veterinary medical board as such fees and penalties, in excess of the compensation and expense of the state veterinary medical board, shall be annually paid into the state treasury, and become a part of the general fund of the state.

Sec. 3. 1. Said state veterinary medical board shall examine all diplomas as to their genuineness. Each applicant not holding a diploma shall submit to a theoretical and practical examination before the state veterinary medical board; said examination to be written or oral, or both, and sufficiently strict to satisfy said board that the applicant is competent to practice veterinary medicine and surgery.

2. An examination fee of five dollars shall be paid to the state veterinary medical board by the holder of a diploma,

and ten dollars by an applicant not holding a diploma; said money shall be paid by the applicant before examination.

3. In case of failure of approval, said fee shall be forfeited to the state veterinary medical board.

Sec. 4. All examinations of persons not graduates shall be made directly by the state veterinary medical board, and the certificates given by said board shall authorize the possessor to practice veterinary medicine and surgery in the state of California. All examinations of ungraduated practitioners must take effect before the eighteenth day of September, nineteen hundred and three; after that date no certificates shall be granted except to persons presenting diplomas from legally chartered colleges. [Amendment approved March 20, 1903. Stats. 1903, p. 258.]

Sec. 5. Upon the approval of credentials, or upon approval of the examination of an applicant, said state veterinary medical board shall grant him or her a license to practice in this state, and shall receive therefor a fee of five dollars; said license shall be signed by a majority of the board.

Sec. 6. Any person qualified as required by this act shall, upon receipt of his license to practice, have said license prominently displayed in his office, and a true copy thereof shall be filed in the office of the clerk of the county in which he resides. Any person removing to another county to practice shall file the license in like manner in the county to which he removes. The holder shall pay to the county clerk the usual fees for filing. Any person holding such license who shall refuse or neglect to prominently display in his office, or file a copy of the same with the county clerk, as above directed, within six months after receiving such license shall forfeit his license; and no license when once forfeited shall be restored to the original holder except on the payment to said state veterinary medical board of the sum of twenty-five dollars, as a penalty for such failure, neglect, or refusal.

Sec. 7. Any person shall be regarded as practicing veterinary medicine and surgery, within the meaning of this act, who shall have received a license as mentioned in section five. But nothing in this act shall be construed to prohibit members of the medical profession from pre-

scribing for domestic animals in case of emergency, and collecting a fee therefor, nor to prohibit gratuitous services in an emergency, nor prevent any person from practicing veterinary medicine or surgery on any animal belonging to himself or herself. And this act shall not apply to commissioned veterinary surgeons in the United States army.

Sec. 8. Any person practicing veterinary medicine or surgery in this state contrary to the provisions of this act shall be guilty of a misdemeanor, the penalty of which shall be a fine of not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500), or by imprisonment of not exceeding six (6) months, or by both.

Sec. 9. This act shall take effect sixty days from and after its passage.

TITLE 524.

VISALIA.

ACT 4293.

Incorporating, and providing for public schools therein. [Stats. 1873-4, p. 171.]

Amended 1875-6, 119. Superseded by incorporating, in 1900, under statute of 1883.

ACT 4299.

Quieting title to town lots in. [Stats. 1877-8, p. 363.]

TITLE 525.

VITICULTURE.

ACT 4304.

To define and enlarge the powers and duties of the state viticultural commissioners, to authorize the appointment of certain officers, and to protect the interests of horticulture and agriculture. [Stats. 1881, p. 51.]

Enlarged 1885, 9. Repealed 1895, 235.

Unconstitutional in part. (Ex parte Cox, 62 Cal. 21.)

ACT 4305.

To enlarge the duties of the board of state viticultural commissioners. [Stats. 1885, p. 9.]

Repealed 1895, 235.

ACT 4306.

For the promotion of the viticultural industries of the state. [Stats. 1880, p. 52.]

Enlarged 1881, 51; 1885, 9. Repealed 1895, 235, chap. OLXXXIX.

This act provided for the creation of viticultural districts and the appointment of viticultural commissioners.

ACT 4287.

An act for the protection of the viticultural interests of the state, and making an appropriation therefor.

[Approved March 26, 1903. Stats. 1903, p. 522.]

The people of the state of California, represented in senate and assembly, do enact as follows:

Section 1. The regents and the president of the University of California are hereby directed to cause to be prosecuted with all possible diligence, in connection with and in addition to the work heretofore carried on by the agricultural experiment station, experimental and research work in the field of viticulture, including both cultural and industrial processes. They are directed to ascertain the adaptation of the various kinds of vines to the several climatic and soil conditions of the state, with the special reference to those stocks for propagating purposes, resistant to the phylloxera, and to further their adaptability and utility as grafting stocks for producing wine, raisin and table grapes. They are directed to ascertain the best methods of grafting and propagating said stocks and vines, together with the most important methods of vinification and the preparation, manufacture and application of yeasts in vinification and distillation. They are further directed to report upon the utilization of the by-products of the vineyard and winery, the study and treatment of the vine diseases and all matters appertaining to the viticultural industry, pertinent to the successful conduct of the business and that may be of general public interest, use and profit. They are further directed to publish the result of said experiments and investigations in form of bulletins from time to time, as may seem advisable, and not less than two bulletins showing the progress and result of the work, shall be issued in any fiscal year.

Sec. 2. The sum of three thousand dollars (\$3,000) is hereby appropriated out of any money in the treasury not otherwise appropriated, for the purpose of carrying into effect the provisions of this act; said money to be paid to the regents of the University of California, to be expended by them through the agricultural department of the university during the two years beginning July 1, 1903. The comptroller of the state is hereby directed to draw his warrant for such payments as requested by said

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regents of the state university of California, and the treasurer of the state is hereby directed to pay the same.

Sec. 3. This act shall take effect and be in force from and after its passage.

TITLE 526.

ACT 4312. WAGON-ROAD CORPORATIONS.

To provide for the formation of. [Stats. 1853, p. 114.]

Amended 1856, 71.

Cal.Rep.Clt. 122, 338.

This act was repealed by the later act of March 12, 1853, Stats. 1853, p. 169, in regard to the formation of wagon-road corporations, being inconsistent with it. See People ex rel. Waugh v. Auburn etc. Tp. Co., 122 Cal. 335. See note to act 632, ante.

TITLE 527.

WAREHOUSES.

ACT 4317.

To authorize the keepers of warehouses to sell goods on storage after a certain period. [Stats. 1851, p. 170.]

This act is probably superseded by the provisions of the code relating to storage. In the absence of positive legislation, it is difficult to determine what, if any, part of it is in force.

ACT 4318.

Relating to warehouse and wharfinger receipts and other matters pertaining thereto. [Stats. 1877-8, p. 949.]

This act appears in full in Civil Code, Appendix, p. 778.

TITLE 528.

WARM SPRINGS CREEK.

ACT 4323.

To declare navigable. [Stats. 1871-2, p. 307.]

The court commissioners say of this act: "Probably repealed by Political Code, sec. 2349, as amended 1891."

TITLE 529.

WARRANTS.

ACT 4326.

To provide for the payment of the controller of state's warrants, which have been lost or destroyed previous to payment by the state treasurer. [Stats. 1891, p. 294.]

TITLE 530.

ACT 4332. WASHINGTON TOWNSHIP.

Yolo County, hogs and goats in Washington Township.
[Stats. 1875-6, p. 800.]

Superseded by 1897, 198.

TITLE 531.

WATER COMMISSIONERS.

The Political Code, sec. 19, continued in force all acts creating or regulating boards of water commissioners and overseers in the several townships or counties of the state. For the act governing in any particular township or county, see the particular title. See, also, acts 4364, 4365.

TITLE 532.

ACT 4343. WATER COMPANIES.

For the incorporation of water companies. [Stats. 1858,
p. 218.]

Amended 1861, 228.

Cal.Rep.Cit. 105, 155; 105, 160.

See note to act 632, ante.

ACT 4344.

To provide for the incorporation of water companies.
[Stats. 1852, p. 171.]

See note to act 632, ante.

ACT 4345.

For the protection of water companies. [Stats. 1861,
p. 533.]

This act provided a penalty for injuring, defrauding, etc. It was superseded by Penal Code, secs. 499, 592, 607, 625.

ACT 4346.

Authorizing boards of supervisors to fix water rates.
[Stats. 1880, p. 16.]

Superseded by 1885, 95.

Cal.Rep.Cit. 129, 446.

In full in Appendix to Civil Code, p. 787.

ACT 4347.

Regulating and controlling the sale, rental and distribution of appropriated water in this state other than in any

city, city and county, or town therein, and to secure the rights of way for the conveyance of such water to the place of use. [Stats. 1885, p. 95.]

Amended 1897, 49; 1901, 80.

Cal.Rep.Clt. 129, 446; 129, 447; 130, 313.

This act appears in full in the Civil Code, Appendix, p. 781.

ACT 4348.

An act to enable the board of supervisors, town council, board of aldermen, or other legislative body of any city and county, city, or town to obtain data and information, from any corporation, company, or person supplying water to such city and county, city, or town, requiring such boards, town council, or other legislative body to perform the duties prescribed by section one of article fourteen of the constitution, and prescribing penalties for the non-performance of such duties.

[Approved March 7, 1881. Stats. 1881, p. 54.]

Unconstitutional in part. (Fitch v. Supervisors, 122 Cal. 285.)

Municipal corporations to fix water rates.

Section 1. The board of supervisors, town council, board of aldermen, or other legislative body of any city and county, city, or town, are hereby authorized and empowered, and it is made their official duty, to annually fix the rates that shall be charged and collected by any person, company, association, or corporation, for water furnished to any such city and county, or city, or town, or the inhabitants thereof. Such rates shall be fixed at a regular or special session of such board or other legislative body, held during the month of February of each year, and shall take effect on the first day of July thereafter, and shall continue in full force and effect for the term of one year, and no longer.

Annual statements to be made by water companies, etc.

Sec. 2. The board of supervisors, town council, board of aldermen, or other legislative body of any city and county, city, or town, are hereby authorized, and it is hereby made their duty, at least thirty days prior to the fifteenth day of January of each year, to require, by ordinance or otherwise, any corporation, company, or person supplying water to such city and county, city, or town,

or to the inhabitants thereof, to furnish to such board, or other governing body, in the month of January in each year, a detailed statement, verified by the oath of the president and secretary of such corporation or company, or of such person, as the case may be, showing the name of each water-rate payer, his or her place of residence, and the amount paid for water by each of such water-rate payers, during the year preceding the date of such statement, and also showing all revenue derived from all sources, and an itemized statement of expenditures made for supplying water during said time.

Additional statement.

Sec. 3. Accompanying the first statement made as prescribed in section two of this act, every such corporation, company, or person shall furnish a detailed statement, verified in like manner as the statement mentioned in section two hereof, showing the amount of money actually expended annually, since commencing business, in the purchase, construction, and maintenance, respectively, of the property necessary to the carrying on of its business, and also the gross cash receipts annually, for the same period, from all sources.

Refusal to make statement a misdemeanor.

Sec. 4. Every corporation, company, or person who shall refuse or neglect to furnish the statements mentioned in sections two and three of this act, or either of them, or who shall furnish any false statement in relation thereto, within thirty days after having been required or requested to furnish the same as prescribed in sections one, two, and three of this act, shall be deemed guilty of a misdemeanor.

Copy of statement to be filed.

Sec. 5. Upon receiving the statements provided for in sections two and three of this act, the board of supervisors, town council, board of aldermen, or other legislative body, shall cause a copy thereof to be made and filed in the office of the county recorder of such city and county, or of the county wherein such city or town is situated.

Rates to be equal.

Sec. 6. Rates for the furnishing of water shall be equal and uniform. There shall be no discriminations

made between persons, or between persons and corporations, or as to the use of water for private and domestic, and public or municipal purposes; provided, that nothing herein shall be so construed as to allow any person, company, association, or corporation to charge any person, corporation, or association anything for water furnished them when, by any present law, such water is free.

Excess in charging rates forfeits franchise, etc.

Sec. 7. Any person, company, association, or corporation charging, or attempting to collect from the persons, corporations, or municipalities using water, any sum in excess of the rate fixed as hereinbefore designated, shall, upon the complaint of said board of supervisors, town council, board of aldermen, or other legislative body thereof, or of any water-rate payer, and upon conviction before any court of competent jurisdiction, shall forfeit the franchises and water-works of such person, company, association, or corporation to the city and county, city or town, wherein the said water is furnished and used.

Penalty to supervisors neglecting to enforce act.

Sec. 8. Any board of supervisors or other legislative body of any city and county, city or town which shall fail or refuse to perform any of the duties prescribed by this act, at the time and in the manner hereinbefore specified, shall be deemed guilty of malfeasance in office, and upon conviction thereof, at the suit of any interested party, in any court of competent jurisdiction shall be removed from office.

Sec. 9. This act shall take effect and be in force from and after the date of its passage.

TITLE 533.

WATERS.

AOT 4353.

To prevent obstructions in navigable streams. [Stats. 1850, p. 188.]

Superseded by Penal Code, sec. 611, and Political Code, sec. 2250.

AOT 4354.

For the protection of harbors. [Stats. 1861, p. 224.]

This act forbade the mooring to buoys or beacons and the throwing overboard of ballast. It was superseded in part by the act of 1873-4, 619, and entirely by Penal Code, secs. 613, 614.

ACT 4355.

Fixing and defining a miner's inch of water. [Approved March 23, 1901. Stats. 1901 p. 660.]

ACT 4356.

Artesian wells, regulating use of, and preventing waste of subterranean waters. [Stats. 1877-8, p. 195.]

Section 8 repealed 1901, 284.

ACT 4357.

To declare navigable a creek in sections 35 and 36, township 3 south, range 3 west, Mt. Diablo meridian. [Stats. 1867-8, p. 486.]

This act declared a certain creek in Alameda County navigable.

ACT 4358.

To declare certain rivers and creeks navigable. [Stats. 1851, p. 422.]

Cal.Rep.Cit. 79, 849.

This act declared certain parts of the following streams navigable: San Jose de Guadalupe, Petaluma River, Sonoma River, Napa River, Suisun River, Sacramento River, Feather River, Yuba River, San Joaquin River, Stockton Slough, Mokelumne River, Tuolumne River, Deer Creek, and American Fork. Substantially incorporated in Political Code, sec. 2349, with the exception of the San Jose de Guadalupe and the American Fork.

ACT 4359.

Declaring a certain creek in Washington Township, Alameda County, navigable. [Stats. 1871-2, p. 307.]

Probably repealed by Political Code, sec. 2349, as amended 1891.

ACT 4360.

Alameda County, navigable streams in. [Stats. 1867-8, pp. 486-680.]

This act applied, amongst others, to San Leandro Creek and Johnson's Creek.

Particular streams, navigability of, see particular title.

ACT 4361.

Authorizing the boards of supervisors of the several counties of this state to declare innavigable streams highways for the floating of logs and timber, and provide for the improvement and use of the same. [Approved March 7, 1889. Stats. 1889, p. 85.]

Repealed by sec. 25, County Government Act, 1897, 457.

ACT 4362.

To authorize the board of supervisors of the several counties in this state to grant franchises and privileges to corporations, associations, or individuals. [Approved March 3, 1881. Stats. 1881, p. 25.]

Superseded by subd. 35, sec. 25, County Government Act, 1897, 466. Repealed 1901, 265.

This act authorized supervisors to grant privileges to build booms to hold logs and timber.

ACT 4363.

An act to provide for the location of tow-paths along the banks of navigable streams.

[Approved April 1, 1872. Stats. 1871-2, p. 940.]

Authority given.

Section 1. The board of supervisors of each county in the state may, when public convenience for the purpose of commerce requires it, cause to be located and opened a tow-path, not exceeding ten feet in width, along the bank or banks of any navigable stream within the county.

Viewers.

Sec. 2. In order to locate and open such tow-path, the same proceedings in regard to petition, viewers, etc., shall be taken as are now by law required to be taken in the respective counties of this state for the purpose of locating and opening public roads and highways.

Water frontage.

Sec. 3. The owner or owners of any land over which a tow-path shall be located and opened shall not be deprived of the water frontage nor of the free use and enjoyment of any land so located, subject only to the right of the public to use the same for the purposes of commerce.

Fences.

Sec. 4. It shall not be necessary to construct or maintain fences on either side of any tow-path so located, but the board of supervisors may make all necessary rules and regulations for the government and management of tow-paths, and may provide for the erection of gates thereon and for the full and complete protection of the property through which the same passes.

Sec. 5. This act shall take effect from and after its passage.

ACT 4364.

An act to provide for the appointment of an examining commission on rivers and harbors, defining their duties and powers, and prescribing their compensation.

[Approved March 19, 1889. Stats. 1889, p. 420.]

Appointment of engineers.

Section 1. The governor of the state, within thirty days after the passage of this act, shall appoint three competent engineers in good standing in their profession, to be known and called the examining commission on rivers and harbors. The persons so appointed shall hold office until the first day of January, eighteen hundred and ninety-one. In case any vacancy may arise in such commission from any cause, the governor shall immediately fill such vacancy by appointment.

Oath of office.

Sec. 2. Each of said commissioners shall, before entering upon the discharge of his duties, take and subscribe an oath of office. The said commission shall organize by electing a president and secretary.

Duty of commission.

Sec. 3. The said commission shall make a full and careful examination into the condition of the Sacramento and San Joaquin rivers, and such other rivers and streams as they may select for that purpose. They shall determine what steps are necessary for the rectification and improvement of such rivers and streams, and shall make, or cause to be made, all such necessary and proper surveys, examinations, maps, designs, drawings, estimates, specifications, and exhibits as will enable the congress of the United States to clearly understand the condition of such rivers, and the cost and expense of properly rectifying and improving the same. The said commission shall, whenever requested by the governor, also make an examination for a similar purpose into such harbors as they may be so required to examine. Said commission shall have power to employ such persons at such compensation as they may deem proper, as surveyors or assistants in any of the work herein above specified.

Report of.

Sec. 4. The said commission shall make a full report on or before the first day of October, eighteen hundred and ninety, to the governor, on the matters herein specified, which said report shall be in such form and contain such calculations, specifications, and estimates as that it may be to congress as the basis of an appropriation by congress for the improvement of the Sacramento and San Joaquin rivers, and other navigable streams of the state, and of such bays and harbors as may have been examined by said commission as herein provided. The superintendent of state printing shall print and publish as many copies of said report and exhibits as may be ordered by the governor.

Salaries.

Sec. 5. Each member of the said commission shall receive a salary of two thousand four hundred dollars per annum, payable monthly, and his traveling expenses while engaged in the performance of official duties. Said salary and expenses to be paid out of any money in the state treasury not otherwise appropriated.

Sec. 6. This act shall take effect and be in force from and after its passage.

ACT 4365.

To create a board of commissioners and the office of overseer to regulate watercourses. [Stats. 1854, p. 76.]

Amended 1857, 29; 1860, 335; 1861, 31; 1862, 235.

Cal.Rep.Cit. 68, 362; 69, 367; 70, 191; 70, 192.

Applies only to Contra Costa, Colusa, Los Angeles, Napa, San Bernardino, San Diego, Santa Barbara, Solano, and Tulare counties.

ACT 4366.

Board of water commissioners for Merced County. [Stats. 1860, p. 182.]

ACT 4367.

To provide for the joint investigation with the federal government of the water resources of the state, and of the best methods of preserving the forests thereof; and making an appropriation for the expenses of such investigations. [Approved March 16, 1903. Stats. 1903, p. 171.]

TITLE 534.

WATSONVILLE.

ACT 4371.

Incorporating Watsonville. [Stats. 1867-8, p. 688.]

Amended 1873-4, 43; 1875-6, 511; 1877-8, 363. Superseded by incorporating, in 1889, under the statute of 1883.

TITLE 535.

WEAVERVILLE.

ACT 4376.

Weaverville, preventing hogs and goats running at large in. [Stats. 1877-8, p. 83.]

Repealed by estray law, 1897, 198.

TITLE 536.

WEIGHTS AND MEASURES.

ACT 4381.

To establish a standard of weights and measures. [Stats. 1861, p. 86.]

Amended 1861, 346; 1863, 787. Superseded by Political Code, secs. 3209-3223.

ACT 4382.

To establish a standard of weights and measures. [Stats. 1891, p. 487.]

"Of doubtful constitutionality, and has never been acted under. (Condict v. Police Court, 59 Cal. 278; sec. 14, art. XI, State Const.; subd. 5, sec. 8, art. I, Const. of U. S.)"—Code Commissioners' note.

ACT 4383.

An act relating to weights and weighers for warehousemen and wharfingers, and matters connected therewith.

[Approved March 24, 1903. Stats. 1903, p. 387.]

The people of the state of California, represented in senate and assembly, do enact as follows:

Section 1. All persons now engaged in or who may hereafter engage in a general warehouse, wharfinger or storage business for the storage of grain or other commodities, which in the course of such business are weighed, shall before they engage in such business or within sixty days after the appointment of an inspector of weights as provided in section four of this act, designate in writing a person or persons as weigher or weighers for such business at the place thereof, and the person or persons so desig-

nated shall thereupon, and before they shall do any weighing for such business subscribe, before an officer authorized to administer oaths, the following oath, to wit:

"(I or we) designated as (weigher or weighers) will correctly weigh all grain or other commodities brought to (here designating the business and place of business) for storage or weighing, or which may be taken out from the same, and in all cases render to the person bringing or receiving the same, as the case may be, upon demand, a full, true and correct account of the weight thereof."

Sec. 2. All persons engaged in the business in the foregoing section mentioned shall keep for and use in such business no other than true and correct scales and weights.

Said designation and said oath shall thereupon and within the time aforesaid, be recorded in the office of the recorder of the county in which such business is to be or is being carried on.

No person, excepting the person or persons thus designated and subscribing and recording such oath shall do any of the weighing of such business.

Sec. 3. Every person engaged in the business in said section one mentioned, shall keep and use therein none but true weights, and scales; said weights must conform to the United States standard of weights.

Sec. 4. The board of supervisors of the respective counties of the state of California, hereby are authorized to appoint for their respective counties an inspector of weights and measures, who shall hold office at the pleasure of said board and receive such compensation as each board may allow, and whose duty it shall be from time to time to test and examine all scales and weights kept or used in the business in the foregoing sections mentioned, and report all violations of this act to the district attorney of such county, whose duty it shall be to prosecute all violations hereof.

Sec. 5. Every violation of this act shall be and is punishable as a misdemeanor.

Sec. 6. Besides the prosecution of the criminal actions herein provided for, every person defrauded by false or incorrect weighing shall be entitled to recover from the person owning or conducting such business as in the foregoing sections mentioned, in any court of competent juris-

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diction, three times the amount of such shortage in weight of the grain or other commodity so delivered or taken out by him.

TITLE 537.

ACT 4388. WEST SIDE IRRIGATION DISTRICT.

Act creating. [Stats. 1875-6, p. 731.]

Supplemented 1875-6, 885. Superseded by 1877-8, 468. Repealed as to Contra Costa and Alameda counties, 1877-8, 887.

TITLE 538.

WHARFINGERS.

ACT 4393.

In relation to warehouse and wharfinger receipts, and other matters pertaining thereto. [Stats. 1877-8, p. 949.]

Cal.Rep.Cit. 75, 355; 108, 140; 108, 141; 111, 380.

In full in Appendix to Civil Code, p. 778.

TITLE 539.

WHARVES.

The Political Code, secs. 2906 et seq., 2520 et seq. and 2567 et seq., seems to have superseded the old legislation on the subject of wharves.

ACT 4398.

Authorizing supervisors of counties to grant the right to construct wharves. [Stats. 1858, p. 120.]

Amended 1869-70, 526; 1871-2, 908. Superseded by Political Code, secs. 2906 et seq.

TITLE 540.

WHEATLAND.

ACT 4403.

Incorporation of. [Stats. 1873-4, p. 351.]

Amended 1875-6, 19; 1877-8, 441. Superseded by incorporating, in 1891, under Municipal Corporation Act of 1883.

Cal.Rep.Cit. 48, 565.

TITLE 541.

WHITTIER STATE SCHOOL.

ACT 4408.

To establish the Whittier Reform School for Juvenile Offenders. [Stats. 1889, p. 111.]

Amended 1893, 328.

Cal.Rep.Cit. 110, 653; 117, 535; 122, 296.

In full in Appendix to Penal Code, p. 669.

ACT 4409.

To prevent evil disposed persons from coming upon the grounds of. [Stats. 1895, p. 92.]

In full in Penal Code, Appendix, p. 688.

ACT 4410.

Relating to the commitments to the state school at Whittier and to the Preston School of Industry, fixing the authority to examine and commit to such schools with the superior court judges of the counties, and fixing the responsibilities from which commitments are made to the state for the maintenance of the persons committed therefrom; providing the manner of payment therefor and fixing the responsibility of the parents to the counties from which their children are committed. [Stats. 1895, p. 122.]

Cal.Rep.Cit. 138, 494.

In full in Appendix to Penal Code, p. 686.

TITLE 542.**WILMINGTON.****ACT 4415.**

Incorporating town of. [Stats. 1871-2, p. 108.]

Amended 1871-2, 446. Sections 8 and 16 repealed, 1887, 108, 109.

TITLE 543.**WOMAN'S RELIEF CORPS.****ACT 4420.**

To assist the Woman's Relief Corps Home Association to provide for ex-army nurses, and the worthy destitute widows, wives, mothers, and destitute maiden daughters or sisters of veterans who served honorably in the war for the Union, and making an appropriation therefor. [Approved April 1, 1897. Stats. 1897, p. 447.]

ACT 4421.

Making an appropriation for the support of ex-army nurses and indigent widows, wives, mothers, and dependent daughters and sisters of Union veterans, who served honorably during the civil war, at the Woman's Relief Corps Home at Evergreen, Santa Clara County, California. [Approved March 26, 1903. Stats. 1903, p. 514.]

TITLE 544.

WOODBIDGE.

ACT 4436.

Woodbridge, to prevent hogs and goats running at large
in. [Stats. 1875-6, p. 180.]

Repealed 1897, 198.

TITLE 545.

WOODLAND.

ACT 4431.

Reincorporating. [Stats. 1873-4, p. 557.]

Amended and supplemented 1875-6, 818. Amended 1877-8, 84,
447. Superseded by incorporating, in 1890, under Municipal Cor-
poration Act of 1883.

TITLE 546.

WRECKS.

ACT 4436.

Concerning watercraft found adrift. [Stats. 1850, p. 156.]

Superseded by Civil Code, secs. 1864-1872.

ACT 4437.

Concerning wrecks and wrecked property. [Stats. 1850,
p. 173.]

Superseded by Political Code, secs. 2403-2418.

TITLE 547.

YACHT CLUBS.

ACT 4442.

Authorizing the incorporation of yacht clubs. [Stats.
1869-70, p. 71.]

Repealed by sec. 288, Civ. Code.

See note to act 632, ante.

TITLE 548.

YOLO COUNTY.

ACT 4447.

Agriculture, protection of from trespassing animals.
[Stats. 1873-4, p. 343.]

Repealed 1877-8, 362.

ACT 4448.

Trespassing of animals in. [Stats. 1877-8, p. 360.]

Repealed by 1897, 98; 1901, 607.

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ACT 4449.

To develop agricultural interests and aid the construction of a canal in Colusa, Solano, and Yolo counties. [Stats. 1865-6, p. 451.]

ACT 4450.

To provide for the drainage of certain lands in the counties of Colusa and Yolo. [Stats. 1877-8, p. 1037.]

ACT 4451.

Regulating fees and salaries of officers of. [Stats. 1873-4, p. 420.]

Amended 1875-6, 170, 566; 1877-8, 637. Repealed by County Government Acts, see 1897, 533, sec. 181.

ACT 4452.

Legalizing acts of public administrator of. [Stats. 1860, p. 207.]

ACT 4453.

Public road along boundary line between Yolo and Colusa counties, establishing. [Stats. 1873-4, p. 213.]

ACT 4454.

Roads and highways in. [Stats. 1873-4, p. 490.]
Repealed 1883, 5, chap. X, sec. 2.

ACT 4455.

Providing for the distribution of school moneys in. [Stats. 1877-8, p. 1003.]
Repealed by Political Code, sec. 1858.

ACT 4456.

Supervisors, terms of office and time of meeting of. [Stats. 1873-4, p. 304.]
Superseded by County Government Acts, see 1897, 452.

ACT 4457.

Authorizing supervisors to levy taxes for county purposes. [Stats. 1877-8, p. 843.]
Superseded by subd. 12, sec. 25, 1897, 460.

ACT 4458.

Quieting title to certain lands in. [Stats. 1871-2, p. 803.]

ACT 4459.

Quieting title to certain lands in. [Stats. 1873-4, p. 492.]
This act released the title of the state to the United States and its grantees.

ACT 4460.

Quieting title to certain lands in. [Stats. 1873-4, p. 818.]

ACT 4461.

Quieting title to land in. [Stats. 1877-8, p. 943.]

By this act the state relinquished to one George Harget the title to a piece of land in Yolo County.

TITLE 549.**YOSEMITE VALLEY.****ACT 4466.**

To provide for the management of the Yosemite Valley.
[Stats. 1880, p. 44.]

Amended 1885, 212.

ACT 4467.

To appropriate money for the survey, location, and construction of a free wagon road from the town of Mariposa in Mariposa County, to the Yosemite Valley.
[Approved March 26, 1895. Stats. 1895, p. 87.]

ACT 4468.

Appropriation for the purchase of certain roads within the limits of. [Stats. 1889, p. 142.]

This act appropriated money for the purchase of the "Big Oak Flat and Yosemite Turnpike Road" and the "Yosemite and Wawona Road."

ACT 4469.

To provide for certain improvements in. [Stats. 1901, p. 818.]

This act made an appropriation for an electric and a pumping-plant.

TITLE 550.**YREKA.****ACT 4474.**

Incorporating Yreka. [Stats. 1857, p. 229.]

Amended 1860, 813. Superseded by incorporating, in 1883, under the statute of 1853.

TITLE 551.**YUBA CITY.****ACT 4479.**

To incorporate. [Stats. 1877-8, p. 783.]

TITLE 552.

YUBA COUNTY.

ACT 4484.

Marysville and Long Bar townships, act for protection of agriculture and to prevent the trespassing of animals upon private property. [Stats. 1875-6, p. 210.]
Repealed 1897, 198.

ACT 4485.

Trespassing of animals. [Stats. 1877-8, p. 360.]
Repealed by estray laws of 1897, 98, and 1901, 607.

ACT 4486.

Lawful fences in. [Stats. 1863, p. 357.]
Repealed 1871-2, 700.

ACT 4487.

Defining a lawful and partition fence in. [Stats. 1871-2, p. 700.]

ACT 4488.

Salaries of officers. [Stats. 1873-4, p. 109.]
Repealed by County Government Act, 1897, 553, sec. 194.
Amended 1901, 777.

ACT 4489.

Fees and salaries of certain officers. [Stats. 1875-6, p. 522.]
Repealed by County Government Acts, see 1897, 533, sec. 194.

ACT 4490.

Overflow, protection of lands from. [Stats. 1873-4, p. 223.]
Amended 1877-8, 789.

ACT 4491.

Authorizing transcribing or records in. [Stats. 1856, p. 139.]

ACT 4492.

Providing for transcribing records in. [Stats. 1877-8, p. 212.]

ACT 4493.

Roads and highways of. [Stats. 1871-2, p. 72.]
Repealed 1873-4, 11.

ACT 4494.

Road overseers and road poll taxes. [Stats. 1877-8, p. 157.]
Repealed by Political Code, secs. 2642, 2652, as amended 1891, 474, 478.

ACT 4495.

Separate judges for Yuba and Sutter counties, creation of, and providing for payment of salaries. [Stats. 1897, p. 48.]

LIST OF STATUTES, OTHER THAN THE FOUR CODES, REMAINING IN FORCE, AND OF THE AMENDMENTS THERETO, WITH REFERENCES TO DECISIONS RE- SPECTING THEIR CONSTITUTIONALITY.

NOTE.—From this table are excluded all statutes which can no longer be regarded as of any substantial effect, either because directly or impliedly repealed by the Codes or, though neither repealed by them nor otherwise, which have accomplished their purpose and have no other effect than to justify acts long since done by their authority, such as appropriation bills, grants of franchises, or of rights for a limited period, or directions or authorizations to perform acts which have doubtless already been done, or to contract obligations which have been satisfied, and statutes creating and providing for the government of municipal corporations which have become inoperative by the reincorporation of the same municipalities by or under subsequent statutes, either general or special.

PAGE CHAP.

1850.

- 131 49** Concerning lawful fences. Repealed by the statute of 1855, p. 154, except as to the counties of Amador, Butte, Calaveras, Colusa, Klamath, Nevada, Placer, San Bernardino, San Diego, Santa Barbara, Shasta, Siskiyou, Trinity, Tuolumne, and Yuba counties. The statute of 1855 was afterward amended to include Butte, Calaveras, and Nevada. Special acts were passed relating to other counties, but the statute of 1850 has apparently not been repealed as to Amador, Klamath, San Diego, Santa Barbara, Siskiyou, and Trinity counties.
- 273 117** To provide for the incorporation of colleges. Amended 1855:110; 1867-8:69, 218; 1869-70:419; 1873-4:85; supplemented 1863:775; 1871-2:10. This and other acts relating to corporations were repealed by § 288 C. C., except that corporations pre-existing the code remain subject to the laws under which they were formed, but new corporations can not be created under such laws (*Murphy v. Pacific Bank*, 119 Cal. 334), and we apprehend that all amendments to them made after the enactments of the codes were invalid, or at least not applicable to any corporation formed after the adoption of that code, because they were to acts which had already been repealed.

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1850—Continued.

- 342 125 To abolish all laws except those passed during the present session.
- 347 128 An act concerning corporations. Amended 1851:424, 426; repealed 1851, p. 438, chap. 110, sec. 31; amended 1852:168; 1853: 87, 140, 169; 1854:162, 166; 1858:57, 264; 1859:87; 1861:84; 1862:17, 110, 125; 1863:34, 747, 766; 1865-6:748; 1869-70:46, 402; 1871-2:443; 1876:730; supplemented 1862:17; extended 1857:75. See note above to page 273, chap. 117.

1851.

- 185 18 Concerning costs in criminal actions removed before trial. *Needham v. Thresher*, 49 Cal. 392.
- 307 41 To provide for the disposition of certain property of the state.
- 445 122 To regulate rodeos. Amended 1852:102; 1855:163; 1858:70; 1861:180; 1865-6:672; 1872-4:798; supplemented 1858:165.
- 515 131 Concerning judges of the plains. Amended 1857:158; 1862:497.
- 523 132 To provide for the formation of mutual insurance companies. See note to 1850, p. 272, chap. 117.

1852.

- 147 75 To authorize persons engaged in the U. S. Coast Survey to enter upon lands within the state.
- 150 77 Granting right of way for railroad from Atlantic to Pacific.
- 158 82 Prescribing the mode of maintaining and defending possessory actions on public lands. Amended 1859:94; 1861:143. See *Gray v. Dixon*, 74 Cal. 508.
- 160 83 Costs of suit against the state. Superseded by C. C. P., § 1038.
- 166 92 Legalizing acknowledgments of deeds.
- 171 98 To provide for the incorporation of water companies. See note to 1850, p. 273, chap. 117.

1853.

- 62 44 Miners' licenses. Amended 1854:55; 1855:216; 1856:141; 1857:60, 182, 360; 1858:302; supplemented, 1866:380. Doubtless unconstitutional, but see *People v. Naglee*, 1 Cal. 222; *Lin Sing v. Washburn*, 20 Cal. 544.
- 87 65 To provide for the formation of corporations for certain purposes. Amended 1855:205; 1857:121; 1858:133; 1859:93; 1862:736; 1863-4:149; 1869-70:132, 364; 1871-2:526. See note to 1850, p. 273, chap. 117.
- 114 73 To provide for the formation of wagon road corporations. Amended 1856:71. See chap. 65; also note last referred to.
- 169 121 To provide for the formation of plank or turnpike corporations. Amended 1854:160; 1857:171, 280; 1858:145, 265. See chap. 65.

PAGE. CHAP.

1853—Continued.

- 219 160 To provide for the sale of the interest of the state in property within the water-front line in San Francisco. Supplemented 1855:226; 1858:139. Unconstitutional in part (Guy v. Hermaner, 5 Cal. 73).
- 274 178 Amending act relating to corporations. See note to 1850, chap. 117.

1854.

- 31 9 To provide for permanent location of seat of government at Sacramento. Superseded by Const., art. XX, sec. 1.
- 76 57 To create a board of commissioners and the office of overseer to regulate watercourses. (Applies only to Contra Costa, Colusa, Los Angeles, Napa, San Bernardino, San Diego, Santa Barbara, Solano, and Tulare counties.) Amended 1857:29; 1860:335; 1861:31; 1862:235.

1855.

- 145 119 To protect owners of crops, buildings, and improvements in the mining districts. Unconstitutional in part (Gilliam v. Hutchinson, 16 Cal. 153).
- 154 129 Concerning lawful fences. Amended 1858:123; 1861:510, 513; 1862-4:465; 1877-8:766; supplemented 1860:141.

1856.

- 54 47 For the protection of actual settlers and to quiet title to lands. In many respects unconstitutional (*Bainings v. Hall*, 7 Cal. 1; *Lathrop v. Mills*, 19 Cal. 513; *Ploche v. Paul*, 22 Cal. 105); and the parts not unconstitutional are probably superseded by the codes.
- 139 118 Authorizing transcribing of records in Yuba County.
- 206 135 Concerning the war debt of the state.
- 223 142 To aid officers in the Indian department. Amended 1857:186. The above-named statute is mentioned by the code commissioners at § 1346 without anything to indicate that they suppose it to be repealed by any of the codes. If, however, as is indicated by the note to § 6 of the Penal Code, that section was intended to enumerate every act or omission made punishable, then this statute must have been substantially, if not absolutely, repealed by that code.

1857.

- 75 80 To further extend the act concerning corporations. See note to 1850, p. 273, chap. 117.
- 76 82 To cede property to Eureka.
- 121 110 Supplemental to act for formation of corporations. See note to 1850, p. 273, chap. 117.
- 155 122 Granting swamp lands to Sacramento City.
- 159 135 Legalizing records of Solano County.
- 171 147 To authorize formation of plank road corporations. See note to 1850, p. 273, chap. 117.
- 200 177 To legalize certain conveyances.

PAGE CHAP.

1857—Continued.

- 227 194 Restricting the herding of sheep in Sonoma and Marin counties. Amended 1858:165; 1859:119; 1860:332; 1869-70:304; 1871-2:890; 1877-8:79.
- 228 195 Concerning certain records of San Joaquin County.
- 229 197 Incorporating Yreka. Amended 1860:313; superseded by incorporating in 1888 under the statute of 1853.

1858.

- 7 9 Incorporating town of Union. Amended 1869-70:414; 1873-4:280. Note—This is now Arcata; 1860:109.
- 40 56 Fences in Contra Costa County. Supplemented 1861:277.
- 57 68 Further extending act concerning corporations. Amended and supplemented 1858:264. See note to 1850, p. 273, chap. 117.
- 65 82 Transcribing records of Napa County from Solano and Sonoma.
- 84 108 Legalizing conveyances made by the commissioners of the sinking fund.
- 108 143 Recorder of Butte County to make copies of certain records.
- 123 166 Concerning lawful fences in Marin County.
- 155 193 Supplemental to act concerning rodeos.
- 205 244 Authorizing transcribing of records in Sutter County.
- 207 248 Incorporating Coloma.
- 218 262 Incorporation of water companies. Amended 1861:228. See note to 1850, p. 273, chap. 117.
- 264 298 Supplementary to act of 1850 concerning corporations. See 1850, p. 273, chap. 117.
- 345 353 For the better protection of settlers on public lands.

1859.

- 24 35 Authorizing location of townsite of Crescent City. Amended, 1860:279; 1862:226.
- 26 36 Providing for the relinquishment to the United States of lands required for military or naval purposes.
- 66 85 Authorizing transcribing records in Solano County.
- 93 98 Supplemental to act of 1850 concerning corporations. See 1850, p. 273, chap. 117.
- 119 120 Authorizing transcribing records in Butte County.
- 149 147 To prevent stallions from running at large in Sacramento County. Extended and amended 1860:107; 1865-6:327; 1867-8:70; 1869-70:68; 1873-4:228; as to penal clauses, repealed by § 6, Penal Code; and as to other provisions, probably repealed by estray law of 1897, p. 198, and 1901, p. 603.
- 151 150 Authorizing transcribing records of Tehama County from the records of Colusa County.
- 212 201 To legalize certain acknowledgments.
- 214 205 To improve the navigation of Petaluma Creek. Amended 1865-6:525.
- 263 262 Authorizing counties to become stockholders in railroad companies. Amended 1860:208. Repealed by Const., art. IV, sec. 31.

PAGE CHAP.

1850--Continued.

- 279 266 Concerning lawful fences in San Bernardino, Colusa, Shasta, Tehama, and Placer counties. Extended to Yuba County, 1863:357.
- 281 267 Authorizing incorporation of rural cemetery associations. Amended 1863-4:12; 1891:264; 1899:36. See 1850, p. 273, chap. 117.
- 298 272 Regulating salmon fisheries on Eel River.
- 334 305 Ceding jurisdiction to the United States over lands near Lime Point.

1860.

- 11 21 Authorizing transcribing of records in San Luis Obispo County.
- 16 29 For relief of purchasers at sales made by public administrators.
- 82 112 Legalizing records in San Bernardino County.
- 109 141 Authorizing transcribing of records in Sonoma County.
- 141 173 Lawful fences, supplementing statute concerning.
- 155 190 Authorizing American Water and Mining Company to extend its works. Amended 1871-2:471.
- 175 212 Providing for conveyance of mining claims. Amended 1863:98; probably repealed by § 1091, etc., C. C. If not, then modified as to corporations by 1880:131.
- 182 220 Board of water commissioners for Merced County.
- 207 238 Legalizing acts of public administrator of Yolo County.
- 287 308 Providing for disposal of lots in towns on the public lands in Mendocino County. Superseded by 1867-8:487.

1861.

- 41 51 In reference to corporations organized to mine outside of the state. Doubtless repealed by § 288 C. C., except as to pre-existing corporations. See 1850, p. 73, chap. 117.
- 121 129 For the relief of Marin County.
- 139 142 Concerning officers. Repealed by Pol. C. § 831.
- 152 156 Incorporating Grass Valley. Amended 1862:98; 1863-4:57; 1865-6:363; 1869-70:16, 47; 1877-8:192; repealed by new charter 1893:628.
- 180 187 Amending the act relating to rodeos.
- 153 190 For the appointment of commissioners in equity. Repealed by Political Code and Code of Civil Procedure.
- 277 281 Fences in Contra Costa County, supplementing statute of 1858.
- 371 365 Legalizing grants of lands in city of Santa Barbara. Supplemented 1862:495; amended 1863:47.
- 380 375 Concerning telegraphic messages. Superseded by statute of 1862:288.
- 507 448 Legalizing certain records of Santa Clara County.
- 510 453 Fences. Amending and supplementing statute of 1855.
- 523 468 To restrict the herding of sheep. Amended 1865-6:56.
- 533 485 For the protection of water companies. Superseded by Penal Code. See §§ 499, 592, 607, 625.

PAGE CHAP.

1861--Continued.

- 567 503 To authorize formation of homestead corporations. Repealed. See 1850, p. 273, chap. 117. Supplemented 1873-4:525.
- 407 532 To provide for incorporation of railroad companies. Repealed. See 1850, p. 278, chap. 117.

1862.

- 52 62 Authorizing transcribing of records in Shasta County. Amended 1863:21.
- 53 63 Authorizing transcribing of records in Sonoma County.
- 151 158 Concerning construction and repair of levees in Sacramento County. Amended 1862:459, 548; 1863:468.
- 164 165 Authorizing transcribing of records in Trinity County. Amended 1863:22.
- 199 187 For the formation of savings corporations. Amended 1863-4:158, 531; 1865-6:626; 1869-70:130; 1871-2:132; supplemented 1867-8:459, but repealed by § 288, C. C.; and even as to pre-existing corporations modified by the codes and the constitution. (McGowan v. McDonald, 111 Cal. 57.)
- 217 203 Relating to commissioners of the funded debt of San Francisco. Amended 1863:69; time extended 1863-4:474.
- 288 262 For regulating telegraphs, etc. Amended 1863-4:232; as to penal provisions superseded by Penal Code (see §§ 619-621, 680; C. C. § 1017); but § 14, relating to contracts and communications, probably remains in force.
- 490 369 To restrict the herding of sheep in certain counties.
- 498 371 Supplementing statute concerning railway corporations. Repealed by § 288, C. C. See 1850, p. 273, chap. 117.
- 540 417 Authorizing incorporation of canal companies. Amended 1865-6:53, 604, 786; 1867-8:134. See 1850, p. 273, chap. 117.
- 552 432 Granting to United States all lands within Indian reservations.

1863.

- 11 8 Concerning Spanish records in Santa Clara County.
- 101 94 Concerning Independent Order of Good Templars. See § 288 C. C.
- 211 160 Reincorporating Placerville. Amended 1863-4:493; 1871-2:431.
- 326 244 Authorizing relocation of route of Central Pacific Railway.
- 357 274 Lawful fences in Yuba County. Repealed 1871-2:700, chap. 472.
- 359 278 Providing for the retention of the hides of slaughtered cattle in certain counties. Amended 1863-4:261; probably superseded by 1893:326.
- 487 325 Authorizing conveyances to South San Francisco Homestead and Railroad Association.
- 560 362 Conferring further powers on board of supervisors of San Francisco. Remained in force (San Francisco v. Kiernan, 98 Cal. 614) until superseded by the charter of that city (1899:309).

PAGE CHAP.

1863—Continued.

624 464 Concerning library associations. Amended 1862-70:366; repealed by § 283, C. C. See 1850, p. 373, chap. 117.

1863-4.

- 76 76 Authorizing mining corporations to change their place of business. Superseded by § 321 C. C., enacted 1875-6.
- 84 83 Legalizing records of Placer County.
- 87 89 Board of water commissioners for San Bernardino County. Amended 1865-6:93.
- 109 120 Authorizing mining companies of Aurora, Nevada, to remove their place of business to California.
- 167 174 Board of commissioners for Kaweah River, Tulare County, Amended 1865-6:314.
- 187 187 To legalize acts of county recorders and auditors.
- 303 295 Concerning corporations, legalizing defects in incorporation.
- 318 310 Lawful fences in Nevada County.
- 344 320 To aid construction of Central Pacific Railroad.
- 441 383 Incorporating Markleeville.
- 443 389 To settle land titles in the town of Branciforte, Santa Cruz County.
- 463 407 To authorize sale and conveyance of lands in San Francisco to Golden City Homestead Association.
- 471 417 To aid in carrying out the provisions of the Pacific railroad and telegraph act of congress.
- 475 424 Lawful fences in Tuolumne County.
- 482 436 Authorizing sale and conveyance of lands in San Francisco to North San Francisco Homestead and Railroad Association.
- 500 452 Transcribing records of Napa County.

1865-6.

- 23 37 Supplementary to the act concerning corporations. Repealed except as to corporations existing prior to the adoption of the codes by § 288 C. C.
- 66 91 Concerning costs in San Francisco. Amended 1871-2: 93; perhaps in force as to plaintiff's costs (Fanning v. Leviston, 93 Cal. 188; Golden G. L. Co. v. Sahrbacher, 105 Cal. 114); repealed 1895, p. 267 (Miller v. Curry, 113 Cal. 644), as to fees named in that act; repealed 1903:253.
- 79 98 For the protection of property in San Francisco from conflagration, and conferring powers on underwriters. Amended 1867-3:280; superseded by charter of San Francisco, art. IX, chap. 5.
- 102 120 Providing for the construction of a telegraph line between the Atlantic and the Pacific.
- 107 124 To settle land titles in Bonicia.
- 163 183 Apportioning the fees between district attorneys and their successors. Amended 1865-6:326; superseded by county government and other acts requiring officers to pay their fees into the county treasury.
- 191 198 Authorizing executors of Joseph L. Folsom to sell and convey real estate.

PAGE CHAP.

1885-6—Continued.

- 214 214 For establishing and maintaining an almshouse in San Francisco. Amended 1867-8:427; superseded by the charter of that city.
- 216 216 Incorporating San Buenaventura. Superseded by 1873-4:54, reincorporating.
- 303 276 Providing for the construction of a telegraph line from San Jose to San Bernardino. Amended 1867-8:530.
- 312 281 Providing for the preservation of papers relating to Spanish land claims.
- 322 289 For the better protection of stockraisers in Fresno, Tulare, Monterey, and Mariposa counties. See 1893:235.
- 332 301 Concerning marks and brands in Siskiyou County.
- 372 325 Incorporating town of Meadow Lake.
- 451 368 To develop agricultural interests and aid the construction of a canal in Colusa, Solano, and Yolo counties.
- 458 376 Concerning assessments of stock in corporations. Supplemented 1869-70:229. In force only as to corporations existing before the codes (§ 228 C. C.).
- 469 386 Providing for the formation of chambers of commerce, boards of trade, mechanics' institutes, etc. Amended 1867-8:5; 1885:76, but repealed by § 288 C. C. See 1850, p. 273, chap. 117.
- 609 470 Creating board of water commissioners for Siskiyou County.
- 637 498 To prevent destruction of fish in Bolinas Bay.
- 638 500 Legalizing proceedings of trustees of town of Santa Barbara.
- 673 518 Supplemental act concerning rodeos. Repealed as to Fresno, 1873-4:793.
- 687 525 Authorizing sales and conveyances by commissioners of the funded debt of San Francisco.
- 743 543 Relating to fire and marine insurance companies. Amended 1867-8:330. Repealed by § 288 C. C. See 1850, p. 273, chap. 117.
- 752 546 Providing for incorporation of mutual insurance companies. Amended 1867-8, 330, 661; 1880:229, but repealed by § 288 C. C. See 1850, p. 273, chap. 117.
- 777 556 Creating board of water commissioners for Fresno County. Amended 1875-6:547.
- 824 596 In relation to probate sales. Unconstitutional (*Pryor v. Downey*, 50 Cal. 388.)
- 848 621 Concerning oyster beds. Repealed 1873-4:940.
- 855 630 Granting rights of way for highways.
- 857 633 Concerning trout in Siskiyou County. Modified by Penal Code, §§ 628, 632.

1867-8.

- 3 14 Authorizing trustees of the city of San Diego to convey lands to the United States.
- 13 22 To prevent destruction of fish in Napa River and Sonoma Creek. Amended 1871-2:441.
- 112 85 Concerning water ditches and privileges in Tulare County.
- 127 149 To provide for the drainage of Sacramento City, and of swamp land district number two. Amended 1869-70: 127; 1871-2:854.

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1867-8—Continued.

- 148 172 For the payment of street assessments against the property of the United States in San Francisco. Repealed by the charter of that city (art. VI, chap. 2, sec. 8).
- 201 208 Concerning ancient Jewish order of Keshar shel Barsel. Repealed, § 288 C. C. See 1850, p. 273, chap. 117.
- 204 214 Providing for the incorporation of institutions of learning, science, and art. Repealed, § 288 C. C. See 1850, p. 273, chap. 117.
- 245 243 To settle title to lands in San Luis Obispo County.
- 248 245 To create and organize the University of California. Amended 1871-2:655; probably repealed by the code, but if so, revived and made irrepealable by § 9, art. IX, of the constitution of 1879.
- 310 288 Concerning order of B'nai B'rith. Repealed by § 288 C. C. See 1850, p. 243, chap. 117.
- 316 293 To provide for the protection of certain lands in Sutter County from overflow. Amended 1871-2:307; supplemented 1871-2:734. Unconstitutional as to § 21 (Brandenstein v. Hoke, 101 Cal. 131; Wilson v. Supervisors, 47 Cal. 91).
- 323 296 Prescribing conditions for transacting insurance business. Supplemented 1869-70:321; repealed, except as to pre-existing corporations, by § 288 C. C.
- 335 299 Ceding lands to Crescent City. Amended 1869-70:131.
- 355 316 To provide for an open canal through Channel Street in San Francisco.
- 356 317 Declaring Islais Creek in San Francisco navigable. Repealed by § 2349 Pol. C.; jurisdiction given to Harbor Commissioners (sec. 2, Stat. 1877-8, p. 263).
- 379 331 Confirming order 800, quieting title to lands in San Francisco. See also 1867-8:410.
- 383 332 Reincorporating Petaluma. Amended 1871-2:48; 1873-4:23, 357, 708, 865; 1875-6:288; superseded in 1884 by incorporating under the statute of 1883.
- 411 343 Incorporating Redwood City. Amended 1869-70:364; 1871-2:712, 742; superseded by incorporating in 1897 under the statute of 1883.
- 459 372 Supplemental to the act for formation of savings corporations. Repealed by § 288 C. C. See 1850, p. 273, chap. 117.
- 487 401 Authorizing town authorities to execute certain trusts. Amended 1871-2:237.
- 554 431 For the better protection of the state treasury. Doubtless superseded by § 457 Pol. C., but nevertheless amended by statute of 1895, p. 56, chap. 54.
- 655 483 Giving effect to the act of congress relating to the California and Oregon Railroad Company.
- 671 499 Granting certain rights and privileges to California Pacific Railroad Company.
- 689 523 Incorporating Watsonville. Amended 1873-4:43; 1875-6:511; 1877-8:368; superseded by incorporating in 1889 under the statute of 1863.

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- 692 523 Authorizing the county judges to execute certain trusts in relation to town lands. Amended 1873-4:37; 1885:115.

1869-70.

- 64 58 To legalize the name of Lake Bigler.
- 71 72 Authorizing the incorporation of yacht clubs. Repealed by § 288 C. C. See note to 1850, p. 273, chap. 117.
- 107 116 Relating to certificates of incorporation. Repealed by § 288 C. C. See note to 1850, p. 273, chap. 117.
- 148 144 To regulate fees and salaries of certain officers. Amended 1869-70:677, 680; 1871-2:140, 178, 188, 219, 910; 1873-4:102, 204, 212, 885; 1875-6:134; 1877-8:134, 738. Repealed, as to the salaries and fees therein named, by the various county government acts, commencing with 1883:299, and ending with 1897:452; repealed by fee bill of 1895:267, as to the officers therein named; also repealed as to sundry counties by special acts relating to them. (Swinner-ton v. Monterey Co., 76 Cal. 115; Sacramento Co. v. Colgan, 114 Cal. 246; County of Yolo v. Colgan, 132 Cal. 265.)
- 198 145 Regulating fees and salaries in El Dorado County. Amended 1869-70:747; 1871-2:412, 592, 894; 1873-4:710. Repealed as to the fees and salaries therein named by the various county government acts and the fee bill of 1895:267.
- 213 146 Confirming ordinance 840 of the supervisors of San Francisco.
- 235 173 To provide a law library in San Francisco. Amended 1880:40. See chap IX, art. V, charter of San Francisco, 1899:284.
- 241 175 Regulation of sailor boarding-houses and shipping offices in San Francisco.
- 245 176 Incorporating town of San Juan. Superseded by incorporating, in 1896, under the statute of 1883.
- 249 179 Regulating fees and salaries in Siskiyou County. Amended 1873-4:188, 719. See note to p. 148, chap. 144, of this year.
- 263 180 Incorporating Gilroy. Amended 1871-2:356; 1875-6:724.
- 285 186 In relation to the county officers of Sierra County. See note to p. 148, chap. 144.
- 325 224 To prevent destruction of fish and game in the waters of Lake Merritt, Alameda County.
- 352 248 Legalizing applications to purchase state lands.
- 353 249 To expedite the settlement of land titles in San Francisco.
- 364 254 Supplemental to an act concerning corporations. Repealed by § 288 C. C. See note to 1850, p. 273, chap. 117.
- 389 271 Concerning county clerk and surveyor in Los Angeles County. See note to p. 148, chap. 144.
- 409 310 Legalizing conveyances of pueblo lands in San Diego.

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- 418 318 Legalizing proceedings of city of Sonoma relating to pueblo lands.
- 437 333 Regulating fees and salaries in San Luis Obispo County. Amended 1871-2:425; 1875-6:912. See note to p. 148, chap. 144.
- 471 354 Incorporating town of Hornitos.
- 473 356 Defining limits of Santa Rosa.
- 523 380 For the formation of savings, etc., associations. Repealed by § 288 C. C. See note to 1850, p. 273, chap. 117.
- 562 400 Incorporating the fire department of San Jose. See charter of that city, 1897:624.
- 582 422 Concerning records in Sonoma County in a foreign language.
- 534 425 Lawful fences in El Dorado County.
- 586 426 Home of Inebriates in San Francisco. Repealed 1895: 76, 201.
- 645 443 Concerning watercourses in the city of Los Angeles.
- 660 454 Authorizing incorporation of canal companies. Supplemented 1871-2:732, but repealed, except as to pre-existing corporations, by § 288 C. C.
- 666 458 Legalizing grants of town lands in Santa Barbara County.
- 638 460 For the endowment of the University of California.
- 686 470 Incorporating Brooklyn. Amended 1871-2:409.
- 723 494 To secure a lien on livestock kept, fed, or pastured. (Johnson v. Perry, 53 Cal. 351).
- 726 497 Concerning societies of Improved Order of Red Men. See note to 1850, p. 273, chap. 117.
- 779 522 Transcribing records of Santa Clara County.
- 802 538 Providing for improvement of public parks in San Francisco. Amended 1871-2:706; superseded by charter of San Francisco, 1899:354.
- 816 548 Concerning gas companies. Repealed 1895:191 (Const., art. XI, sec. 19).
- 822 553 Corporations for trading, manufacturing, mechanical, and other lawful purposes. Repealed by § 288 C. C. See note to 1850, p. 273, chap. 117.
- 831 578 Concerning foreign corporations. In many respects superseded by 1871-2:826, as amended by 1899:111.
- 832 579 Giving effect to act of congress relating to the Southern Pacific Railroad Company.
- 1871-2.
- 4 4 Alameda County road tax in Oakland. Superseded. Road taxes can no longer be levied within municipal corporations. (Co. Gov. Act, 1897:466. Miller v. County of Kern, 24 Cal. Dec. 478).
- 6 6 Petaluma, city of, powers and duties of board of education of. §§ 5 and 15 amended, and §§ 16 and 17 repealed, 1875-6:121. Two sections numbered 16 and 17 added, 1877-8:291. This city was reincorporated in 1884 under the statute of 1883.
- 10 7 Sonoma, city of, defining boundaries. Superseded by incorporation of the city under Mun. Gov. Act of 1883.

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- 10 8 Colleges, incorporation of, supplementing act of April 20, 1850, p. 117, all sections of which supplement were amended 1873-4:35, but the original act was repealed by C. C. § 649, etc.
- 11 9 Chico, statute incorporating. Amended 1871-2:248; amended and supplemented 1873-4:213; further amendments and supplemental matters, 1875-6:22; 1877-8:456; 1887:63. Superseded by incorporating in 1895, under Mun. Gov. Act of 1883.
- 21 17 Merced County, public administrator, bonds of. Superseded by Co. Gov. Act, 1897:475.
- 24 20 Notaries public for Solano County. Superseded by Pol. C. § 791.
- 33 28 Notaries public, additional for Placer County. Superseded by Pol. C. § 791.
- 35 32 Stanislaus County, superintendent of schools, act to provide office for.
- 35 23 San Luis Obispo County; county and probate courts, fixing terms of. Repealed by amendment to codes, 1877-8:94.
- 36 35 Butte County, additional notaries public. Repealed by Pol. C. § 791.
- 37 36 Los Angeles County, grand jurors, fees of. Probably repealed by the provisions of the constitution dispensing with county courts; or, at all events, superseded by the fee bill of 1895:273, providing for jurors' fees. (Miller v. Curry, 113 Cal. 644; Hilton v. Curry, 124 Cal. 84).
- 38 38 Controller authorized to issue duplicate warrants to O. P. Fitzgerald. Repealed 1871-2:537.
- 46 46 Contra Costa County, additional notaries public for. Superseded by Pol. C. § 791.
- 46 47 San Francisco, additional fees for city and county attorney and his assistants. Superseded by § 12, 1885:157.
- 50 53 Municipal Corporations Act, enabling them to annex adjacent property. Repealed 1873-4:535.
- 54 58 State board of examiners to invest certain moneys. Repealed 1883:25.
- 55 59 State geological survey, distribution of reports of. Supplemented 1871-2:924.
- 58 61 San Francisco county clerk, act in relation to. See charter of San Francisco, sec. 14, art. XVI, and sec. 3, chap. 6, art. V.
- 59 62 Life insurance, forfeiture of policies of, act regulating. Repealed by amendment to codes 1877-8:83.
- 62 67 Los Angeles, county judge, salary of. Repealed by constitution of 1879, which abolished the office.
- 63 68 To provide for the keeping of stallions and jacks.
- 65 71 Plumas County, concerning highways. Repealed 1873-4:306.
- 72 73 Yuba County, roads and highways of. Repealed 1873-4:11.
- 75 75 Oakland, legalizing ordinances of.

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- 76 76 San Francisco, concerning acts of county clerk. Attempted to be superseded by 1880, p. 20, chap. 86, as amended 1891, p. 5, chap. 7, but they were unconstitutional (*San Francisco v. Broderick*, 128 Cal. 188); but now superseded by charter of that city.
- 78 77 Santa Barbara, legalizing all proceedings of.
- 80 80 Naturalization, provision for indexing names of persons naturalized. § 1 probably in force; § 2 superseded by the fee bill of 1895:267.
- 81 81 Coroners, physicians, summoning and compensation of. As to § 1, superseded by Co. Gov. Act, 1897:490, § 142.
- 85 88 Sonoma, city of, authorizing establishment of fire department.
- 87 90 Authorizing telegraph between Los Angeles and Wilmington.
- 92 95 To encourage destruction of squirrels, etc., in counties of Los Angeles, Napa, Merced, San Bernardino, and Santa Cruz. Repealed as to Los Angeles, 1873-4:34; as to Santa Cruz, 1873-4:129; as to San Bernardino, 1873-4:691; as to Napa, 1877-8:569; in toto, 1880:108.
- 94 99 Regulating proceedings in civil cases in justices' courts in San Francisco. Repealed by C. C. P. § 95.
- 95 100 Sonoma County, additional notaries public. Repealed by Pol. C. § 791.
- 96 101 San Mateo County, fixing terms of court of. Repealed by amendments to codes, 1877-8:94.
- 96 102 Forest fires on public lands, act to prevent destruction by.
- 97 104 Telegraphic communication between America and Asia, act to facilitate.
- 98 106 Colusa County, additional tax for judges' and district attorneys' salary fund. Probably rendered inoperative by the constitution, which abolished the office of county judge.
- 99 107 Trespassing animals in the counties of Los Angeles, San Diego, and Monterey. Repealed as to Monterey County, 1871-2:566; extended to Inyo County, 1871-2, p. 668, chap. 450; repealed 1897:198, and 1901:603, relating to estrays.
- 102 109 Mocking birds, act to prevent destruction of.
- 105 112 Humboldt County, concerning roads of. Amended 1873-4:108; modified, if not superseded, by Co. Gov. Act, 1897:452, and by § 2, stats. 1883, p. 5, chap. 10.
- 108 113 Wilmington, incorporating town of. Amended 1871-2:446; §§ 8 and 16 repealed 1887:109.
- 116 114 Judicial districts, act creating 18th. Amended 1875-6:311; superseded by the constitution of 1879.
- 117 116 San Joaquin River and Stockton Slough, declaring navigable. Superseded by Pol. C. § 2349, as amended 1891:96.
- 118 117 State board of examiners, controller, and treasurer, prescribing duties of.

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- 121 118 Military academies, act to furnish arms to.
- 122 122 Los Angeles, amendatory of charter of. Amended 1871-2:423; superseded by charter, 1889:456.
- 124 128 Santa Barbara and San Luis Obispo counties, concerning roads in. Amended 1871-2:690; repealed 1873-4:30.
- 127 120 School lands, act to legalize payments for.
- 141 124 Kern County, regulating traveling fees of sheriff of. Amended 1875-6:45; repealed 1878:559.
- 142 135 Placer County, providing for location, construction, and maintenance of highways. Repealed 1883, p. 5, chap. 10, sec. 2.
- 152 138 Los Angeles, city of, creating board of education and authorizing common council to issue bonds for special school building fund. Superseded by charter of Los Angeles, 1889:456.
- 157 141 Shasta, town of, act to prevent hogs from running at large. Amended by extending to Redding in Shasta County, and Modesto in Stanislaus County, 1877-8:585.
- 158 142 Contra Costa County, fixing bonds of sheriff of. Superseded by Co. Gov. Act, 1897:475, § 66.
- 158 143 Los Angeles County, concerning compensation of certain officers of. Amended 1873-4:342, 348; superseded and in effect repealed by the Co. Gov. Act, 1897:496, § 159, as amended 1901:690.
- 159 144 Humboldt County, additional notaries public. Superseded by Pol. C. § 791.
- 160 145 Calaveras County, providing for location, construction, and maintenance of public roads. Repealed 1873-4:358.
- 164 146 Cloverdale, incorporating. Amended 1873-4:550; 1875-6:171; superseded by incorporating under Mun. Gov. Act of 1883.
- 169 147 Humboldt County, fixing compensation of treasurer and assessor. Superseded and in effect repealed by Co. Gov. Act, 1897:518, § 168, as amended 1901:721.
- 169 148 Del Norte County, provisions for care of indigent sick of. Superseded by subdivisions 5 and 6, sec. 25, Co. Gov. Act, 1897:468, and 1901:636.
- 170 149 Contra Costa County, public administrator authorized to act as coroner. Probably repealed by Co. Gov. Act, 1897:473, § 55.
- 172 153 Amador County, supervisors authorized to levy an additional tax. Superseded by the general powers given by the county government acts.
- 177 158 Calaveras County, supplementing act to regulate fees and salaries and define duties of certain officers. Superseded by the Co. Gov. Act, 1897:452.
- 182 161 Terms of county and probate courts. Repealed by code amendments, 1877-8:95.
- 183 162 Stanislaus County, regulating the salary of treasurer of. Superseded by Co. Gov. Act, 1897:550, § 191, as amended 1901:171.

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- 183 163 Contra Costa County, concerning bonds of public administrator. Superseded by Co. Gov. Act, 1897:475, § 66.
- 184 164 San Francisco, additional notaries public. Repealed by Pol. C. § 791.
- 184 165 Seduction, act to punish.
- 189 169 Lassen County, fixing salaries of district attorney of. Repealed by Co. Gov. Act, 1897:567, § 209.
- 191 173 San Diego County, providing for government of. Amended 1874:221; certainly modified and probably repealed by Co. Gov. Act, 1897:452.
- 203 174 Sonoma County, act relating to fence and pound districts in. Superseded as to pounds by subd. 14, sec. 25, Co. Gov. Act, 1897:463.
- 212 173 Santa Clara County, regulating fees of county clerk. Amended 1875-6:402; repealed by fee bill, 1895:267. (Miller v. Curry, 113 Cal. 644).
- 214 179 Thistle, Scotch or Canada, act to prevent propagation of in certain counties.
- 216 181 Sacramento County, defining powers of board of supervisors of. Repealed by Co. Gov. Act, 1897:452.
- 220 185 San Luis Obispo, town of, act reincorporating. Amended 1871-2:434; 1873-4:328; superseded by incorporating under Mun. Gov. Act of 1883.
- 231 188 Miners, act to prevent sale of intoxicating drinks to. Superseded 1891:91.
- 233 191 Butte County, providing for the payment of fees for witnesses, and jurors. Amended 1873-4:508; repealed by fee bill, 1895:273, fixing jurors', and witnesses' fees.
- 238 193 San Diego County, additional notaries public. Superseded by Pol. C. § 791.
- 239 200 Sonoma, city of, authorizing sale of certain pueblo lands.
- 251 209 Santa Clara, town of, act to reincorporate. Amended and sections added, 1873-4:591.
- 270 210 Butte County, concerning salary of county assessor of. Repealed by Co. Gov. Act, 1897:523, § 171.
- 276 216 Alameda, town of, act to incorporate. Amended and supplemented 1874:448; 1876:367; repealed 1877-3, p. 89, chap. 79.
- 282 218 Act to more fully define the crime of larceny. See § 495, Pen. C.
- 283 219 To establish, maintain, and protect a public ford across Stanislaus River.
- 285 221 San Diego, city of, act to reincorporate. Repealed 1875-6:815.
- 297 224 San Mateo, providing for construction and improvement of highways in. Repealed 1883, p. 5, chap. 10, sec. 2.
- 301 226 Act creating and defining certain judicial districts. Superseded by the constitution abolishing district courts.
- 304 227 Act to prevent hunting on private grounds. Amended 1873-4:792.
- 304 228 Plumas County, additional notaries in. Superseded by Pol. C. § 791.

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- 305 229 Napa County, act defining northern boundary of.
- 306 230 Santa Clara, town of, act authorizing corporate authorities to take and hold in trust certain lands.
- 307 231 Act declaring a certain creek in Washington township, Alameda County, navigable. Probably repealed by Pol. C. § 2349, as amended 1891.
- 309 234 San Diego, city of, act to legalize, ratify, and confirm certain conveyances of land made by municipal authorities of.
- 316 239 Monterey County, fixing salary of superintendent of common schools of. Repealed by Co. Gov. Act, 1897:526, § 173.
- 316 240 Supplementing act to define and establish boundary line between the counties of Inyo and Mono.
- 319 244 Respecting limitation of actions. Superseded by C. C. P. § 348.
- 322 245 Butte County, concerning roads in. Amended 1871-2, 693. Repealed 1883, p. 5, chap. 10, sec. 2.
- 331 252 Santa Cruz County, act to regulate fees of sheriff. Repealed by fee bill, 1895:269.
- 333 254 Act to reincorporate the city of San Jose. Repealed 1873-4:419.
- 355 255 Act to continue the geological survey of the state of California. Probably intended to be repealed by 1873-4, p. 694, chap. 463.
- 362 263 San Bernardino, town of, granting to, state's interest in certain lands.
- 363 264 Authorizing trustees of Associated Veterans of Mexican War to exchange certain lands. Amended 1881:66.
- 364 265 Determining who must act as chief justice of the supreme court. Superseded by the constitution of 1879.
- 365 266 San Jose, authorizing to issue bonds to provide for sewerage of said city. Repealed 1873-4:764.
- 370 269 Santa Clara County, Santa Clara Avenue, providing for opening and improving. Amended 1873-4:538; repealed 1877-8:291.
- 372 270 El Dorado County, roads and highways in. Amended 1873-4:771; repealed 1883, p. 5, chap. 10, sec. 2.
- 377 271 To remedy defects in certain county records.
- 377 272 El Dorado County, providing for election of treasurer and collector and fixing their compensation. Superseded by Co. Gov. Act, 1897:452, §§ 55, 190.
- 380 275 Trinity County, fixing salary of members of board of supervisors. Repealed by Co. Gov. Act, 1897:563, § 210.
- 380 276 Adultery, act to punish.
- 382 278 Putting into immediate effect certain parts of the Political and Penal Codes.
- 384 280 Preventing persons passing through inclosures and leaving them open, and tearing down fences. See § 7, 1875-6:408; 1877-8:49, 776.
- 385 283 Siskiyou County, preservation of fish in waters of. Probably superseded by the general laws upon the subject. See Pen. C. §§ 635, 636, 636a.

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- 887 285 Fort Jones, incorporation of.
- 391 289 Regulating practice in supreme court. Superseded by the constitution of 1879.
- 392 290 Concerning service of summons upon absent defendants. Repealed 1873-4:495.
- 393 292 Providing for the more effectual prevention of cruelty to animals. Repealed 1873-4:502.
- 397 294 Santa Cruz County, authorizing condemnation of lands for road purposes. Probably superseded by the provisions of subdivisions 4, 7, and 37 of § 25, Co. Gov. Act, 1897:457.
- 400 296 Providing for appointment of a reporter in first judicial district. Repealed by the abolition of district courts by constitution of 1879.
- 401 297 Defining time for commencing civil actions, supplementing act of April 22, 1850. Codified and superseded by C. C. P. § 348.
- 403 299 San Francisco, relative to coroners in. Amended 1873-4:908; 1875-6:397; modified as to appointees by sec. 2, chap. 6, art. IV, charter of San Francisco; superseded as to coroners generally by Co. Gov. Act, 1897:490. See *Kuhlman v. Superior Court*, 122 Cal. 636.
- 411 302 Yolo County, restricting the hunting of game in. Probably superseded by the general laws on the subject. See Pen. C. §§ 635, 636, 636a.
- 413 305 For the protection of miners.
- 415 308 Santa Clara County, providing for opening of Santa Clara and Saratoga avenues. Repealed 1873-4:556. Unconstitutional (*Williams v. Corcoran*, 46 Cal. 553).
- 419 310 Monterey County, fees of sheriffs of. Repealed by Co. Gov. Act, 1897:526, § 175.
- 422 317 Alameda County, to encourage destruction of gophers and squirrels in. Superseded by subd. 26, sec. 25, Co. Gov. Act, 1897:465.
- 422 318 Central Pacific Railroad Company, act for relief of.
- 424 321 Napa County, estrays in. Repealed 1873-4:705.
- 425 322 Concerning crimes and punishments, supplementing act of April 16, 1850. Remains in force (*People v. Salvador*, 71 Cal. 16).
- 427 324 Napa County, in reference to county assessor. Superseded by Co. Gov. Act, 1897:532, § 180.
- 428 326 Knight's Landing, to prevent hogs and goats running at large in. Probably repealed by § 9, statute of 1897, p. 198.
- 440 330 Santa Cruz, in relation to office of district attorney of. Repealed by Co. Gov. Act, 1897:523, § 171.
- 441 331 Lake County, concerning salary of district attorney. Repealed by Co. Gov. Act, 1897:562, § 203.
- 442 333 For the encouragement of agriculture and other industries. Probably repealed by statute of 1880, p. 49, chap. 60, and p. 62, chap. 69.
- 443 334 Concerning corporations, supplementing act of April 22, 1850. Amended 1875-6, 730. Unconstitutional (*Chollar, etc., Co. v. Wilson*, 66 Cal. 374).

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448	339	Nevada County, public roads in. Amended 1873-4:293; 1875-6:423; 1877-8:279, 364; repealed by statute of 1883, p. 5, chap. 10, sec. 2.
458	340.	San Leandro, act to incorporate. Repealed by revising act, 1873-4:63.
471	342	Santa Cruz, act to incorporate, amending and supplementing act of March 31, 1866. Superseded 1875-6:189.
475	345	Authorizing transfer to the general fund of money in other funds of the state treasury.
477	347	Butte County, to prevent hunting of game within certain private grounds in.
484	351	Ventura County, creating and establishing boundaries of. Amended 1873-4, p. 365, sec. 4, chap. 269; § 15 repealed by Pol. C. § 791.
490	352	San Bernardino County, regulating fees of office and salaries of officers of. Amended 1874:130; repealed by fee bill, 1895:269, and by Co. Gov. Act, 1897:516, § 161.
496	353	Sonoma County, concerning roads and highways in. Supplemented 1873-4:105; amended and new sections added 1873-4:762; last named statute repealed 1875-6:53; repealed by 1883, p. 5, chap. 10, sec. 2.
510	355	Preventing hogs running at large in certain towns. See statute of 1897, p. 198, sec. 9.
510	356	San Bernardino, making act protecting agriculture, etc., apply to. Repealed provisionally, 1873-4:190; also 1897:198; 1901:603.
511	357	San Francisco, confirming order No. 1004 of board of supervisors.
512	358	San Francisco, increasing and regulating police force of. Superseded by chaps. 1-7 of art. VIII of the charter of San Francisco.
513	360	San Francisco, authorizing mayor of to convey certain lands.
529	373	Red Bluff, preventing hogs from running at large in. See statute of 1897, p. 198, sec. 9.
531	375	Sacramento, city of, establishing and maintaining a dispensary in. Probably repealed by art. XII of the charter of Sacramento, 1893:698.
533	377	Concerning actions for libel and slander. Amended 1880:81.
534	379	Santa Clara County, defining duties of county assessor of. See §§ 148 and 162 of the Co. Gov. Act, 1897:491, 507.
539	384	Enforcing the collection of license taxes.
540	385	In relation to interpreters before grand jury.
540	386	Stockton, empowering to excavate, widen, and open Mormon Slough. Probably superseded by charter of Stockton, §§ 146 to 164, Stats. 1889:612.
542	389	Napa City, act to incorporate. Reincorporated under statute of 1873-4, p. 140, chap. 117, which must operate as a repeal of the earlier statute.

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- 544 390 San Francisco, supervisors of, transferring management, control, and direction of industrial school department to. Juvenile offenders are now committed to the Preston School of Industry or the Whittier State School (1889:100, 111).
- 546 392 Sacramento, city of, redemption of funded indebtedness. Amended 1887:76; 1889:325; all of these acts repealed 1899:85.
- 550 395 Napa County, for the protection of fish and game in. Probably repealed by the general laws upon the subject. See Pen. C. §§ 635, 636, 636a.
- 551 396 San Joaquin County, providing for the appointment of phonographic reporter in. Repealed, C. C. P. §§ 269-274. (People v. Lon Me, 49 Cal. 353.)
- 554 400 State printing office, establishing. Superseded and repealed by Pol. C. §§ 526-540.
- 561 405 Siskiyou County, district and county courts in, time and place of holding. Amended 1877-8: 94 (Am.); repealed by constitution of 1879.
- 561 406 San Francisco, in relation to board of education of. Repealed 1873-4; 782.
- 563 407 To protect agriculture and prevent trespassing of animals on private property. Probably superseded by 1897:198; 1901:603, chap. 197, relating to estrays.
- 566 408 Vallejo, to incorporate. Amended 1871-2:757; 1873-4: 360, 381; 1875-6:25; 1877-8:398; superseded by charter of Vallejo, 1899:370.
- 582 413 Sierra County, concerning office of treasurer of. Repealed 1873-4:185.
- 584 416 Stanislaus County, establishing a public highway and ferry on San Joaquin River. Superseded by sub. 35, sec. 25, Co. Gov. Act, 1897:466.
- 587 418 State lands, for the relief of purchasers of. Amended 1877-8:914.
- 590 420 Oakland, to provide funds for.
- 595 422 Stockton, reincorporating. Amended 1873-4:193, 439; 1875-6:523; 1877-8:220; superseded by the charter of Stockton, 1899:577.
- 622 425 Legalizing purchase of lands belonging to state.
- 624 427 Solano County, to better define the duties and fix the compensation of certain officers of. Repealed by Co. Gov. Act, 1897:519, § 169.
- 625 428 Mokelumne Hill, town of, defining fire limits of.
- 627 431 San Joaquin County, authorizing road districts in, to levy a special tax. Repealed by statute of 1883, p. 5, chap. 10, § 2.
- 628 432 Santa Rosa, reincorporating. Amended 1873-4: 378; entire act amended 1875-6:251.
- 650 435 San Diego, port of, establishing pilots and pilot regulations.
- 652 436 Santa Clara County, concerning streams in. Amended 1877-8:293. Superseded by sub. 41, sec. 25, and by sec. 52, Co. Gov. Act, 1897:467, 473.

PAGE	CHAP.	1871-2—Continued.
657	442	Public wharves on San Joaquin River, act concerning.
658	444	Suisun City, authorizing and empowering board of trustees to grade and improve streets. Superseded by 1885:147, chap. 153; and by the incorporation of the city under Mun. Gov. Act of 1883.
668	450	Inyo County, protecting growing crops in. Probably repealed. See note to chap. 107, this year.
678	453	Insane, providing further accommodation for. Superseded as to government of the institution by 1897:311, chap. 227.
681	454	San Francisco, pharmacy, regulating practice of, in. Amended 1875-6: 583; 1877-8:838; repealed 1883:93.
685	458	Colusa County, protecting agriculture and preventing trespassing of animals. Amended 1873-4:760; modified, if not repealed, by the stray law, 1897:193; 1901:603, chap. 197.
694	463	State capitol, authorizing issuance of state bonds for.
696	463	Reclamation district No. 108, relating to unpaid warrants and assessments in. Repealed 1903:53.
696	464	Estates of deceased persons, regulating settlement of, supplementing act of May 1, 1851. Repealed by C. C. P. § 1632.
698	468	Amador County, providing for the payment by, to Calaveras County, of interest on a certain indebtedness; supplementing act of March 31, 1866.
700	471	Nevada County, regulating proceedings in courts of record of. Amended 1873-4:503.
700	472	Butte and Yuba counties, defining a lawful and partition fence in.
703	474	San Francisco, providing for support of men belonging to "paid fire department" of, if disabled while in the performance of their duties. Superseded by § 3, chap. 7, art. IX, charter of San Francisco.
703	475	Alpine County, providing for payment of salaries and fees of officers of. Repealed by Co. Gov. Act, 1897: 574, § 219.
709	480	Butte County, relating to salary of treasurer and auditor of. Repealed by Co. Gov. Act, 1897:523, § 171.
709	481	San Joaquin County, Mormon Slough, authorizing inhabitants of to form a reclamation district.
714	483	Congressional districts, dividing state into. Repealed 1883:296, chap. 72.
715	485	Exempt Firemen's Association of Sacramento, organizing.
716	486	Calaveras County, providing for redemption of bonds of.
719	487	Sutter County, relating to swamp land district No. 70.
720	488	Alameda County, fixing salaries of certain officers of. Repealed by Co. Gov. Act, 1897:501, § 160.
721	489	Sacramento County, relating to president and clerk of board of supervisors of. Repealed by Co. Gov. Act, 1897:452.
722	490	San Francisco, vacating certain streets, alleys, and market places in. Amended 1873-4:359; 1903:363.

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- 735 492 Antioch, defining boundaries of. Superseded by incorporating the town in 1890 under Mun. Gov. Act of 1888.
- 738 495 San Francisco, board of state harbor commissioners authorized to set off a part of water-front for certain purposes. Superseded by Pol. C. § 2524, as amended 1889.
- 780 498 Sacramento, city of, authorizing George W. Chesley to lay gas-pipes in.
- 782 500 Canal companies in Tehama County, authorizing incorporation of; supplementing act of April 2, 1870.
- 733 501 Plumas County, fixing salary of district attorney of. Repealed by Co. Gov. Act, 1897:565, § 206.
- 735 503 San Francisco, conferring additional powers on board of supervisors and on auditor and treasurer. Superseded by charter of San Francisco, 1899:241-368.
- 736 504 San Francisco, facilitating and increasing state and county and municipal licenses in. As to collector of licenses, superseded by chap. 5, art. IV, of the charter of San Francisco, 1899:274; as to power to impose licenses, by sub. 15 of sec. 1, chap. 2, art. II, of the same charter, 1899:248; and probably the whole statute is superseded by the various provisions of this charter.
- 749 509 Santa Barbara and San Luis Obispo counties, estrays in. Probably repealed by the estray law, 1897:198; 1901; 603.
- 754 511 Animals, concerning assessment of. Attempted to be modified by 1873-4:376, which was, however, declared unconstitutional in *People v. Townsend*, 56 Cal. 634. The decision seems applicable to both statutes.
- 755 512 Tehama County, relating to certain officers of. Repealed by Co. Gov. Act, 1897:452, § 193.
- 756 514 Tehama County, relating to salary and duties of assessor of. Repealed by Co. Gov. Act, 1897:452.
- 756 515 Del Norte County, supervisors, changing manner of electing. Amended 1878-4:12; repealed by Co. Gov. Act, 1897:452.
- 760 520 Monterey County, fixing terms of county court of. Amended 1876-6:35; repealed 1877-8:94 (Am.).
- 761 521 North Beach and Mission Railroad Company, granting certain privileges to.
- 764 526 San Francisco, preventing hunting and shooting on private grounds in.
- 765 528 San Francisco, authorizing the conveyance of a certain lot to San Francisco Ladies' Protection and Relief Society.
- 766 531 Humboldt, Mendocino, Trinity, and Klamath counties, to provide for defining boundaries between.
- 772 535 San Francisco and Alameda County, authorizing supervisors to provide suitable rooms for third and nineteenth district courts. Superseded by constitution of 1879, abolishing the courts, and see G. C. P. § 144.

PAGE	CHAP.	1871-2—Continued.
779	540	Contra Costa County, roads and highways in. Repealed 1873-4:170.
791	541	Napa County, concerning persons under sentence of imprisonment in jail of. Superseded by sub. 29, sec. 25, Co. Gov. Act, 1897:464.
792	542	Notaries public, defining duties of, supplementing act of April 25, 1862. Repealed by Pol. C. § 791.
792	543	Napa River, authorizing construction of bridge across, at Napa City. Repealed 1875-6:855.
793	545	El Dorado County, authorizing supervisors to levy a special tax. Superseded by sub. 18, sec. 25, Co. Gov. Act, 1897:463.
794	546	Sierra and Plumas counties, protecting fish in waters of. Repealed 1873-4:154.
796	549	Regulating salary of judge of sixteenth judicial district. Superseded by constitution of 1879, abolishing the court.
796	550	Public administrators, providing for, in certain cases. Repealed by Co. Gov. Act, 1897:490, §§ 142 to 147, prescribing the duties of coroner.
797	551	Humboldt County, sheriff, concerning office of. Repealed by Co. Gov. Act, 1897:518, § 168.
797	552	State harbor commissioners, authorizing the reduction or abolition of rates of dockage by. Probably superseded by Pol. C. § 2526 as amended in 1876.
799	554	District attorneys, relating to fees of in certain counties. Probably repealed by §§ 171, 177, 186, and 211 of the Co. Gov. Act, 1897:523, 527, 540, 568, fixing the salaries of district attorneys.
800	557	Shasta County, providing for incorporation of tramroad companies in.
801	558	Napa Ladies' Seminary, authorizing the granting of diplomas by.
802	559	Providing for the payment of interest on trustees orders against certain swamp lands.
803	561	Yolo County, quieting title to certain lands in.
804	562	Street improvements in San Francisco. Amended 1877-8: 139; superseded by constitution of 1879. (McDonald v. Patterson, 54 Cal. 245; Thomason v. Ruggles, 69 Cal. 465.)
824	563	State library, establishing cabinet department in. Further duties of librarian terminated by transfer of the mineral specimens to the mining bureau by senate concurrent resolution No. 10 of March 4, 1881 (1881: 102); transferred to Crocker Art Gallery, 1887:74, chap. 60.
826	566	Foreign corporations. Amended 1899:111.
826	567	Colusa County, public roads in. Repealed 1883:5, chap. 10, sec. 2.
835	570	Reclamation and levee districts, providing for funding of indebtedness of. Amended 1873-4:237, 585; 1875-6: 823.

PAGE	CHAP.	1871-2—Continued.
845	574	State insane asylum, superintendent of. Repealed 1877-8:767.
846	576	San Francisco, common schools of. Superseded by art. VII of the charter of San Francisco, 1899:317-325.
859	580	Santa Clara County, authorizing supervisors to pay certain moneys to county clerk and auditor. Repealed by Co. Gov. Act, 1897:452.
861	584	San Joaquin County, protecting certain lands from overflow.
863	585	Sacramento County, fixing compensation of district attorney. Superseded by Co. Gov. Act, 1897:452.
866	587	Sacramento, establishing paid fire department in. Supplemented 1873-4:306; superseded by art. X of the charter of Sacramento, 1893:591-595.
871	588	State printer, act relating to. Superseded by Pol. C. § 540, sub. 4, relating to superintendent of state printing.
872	590	Tehama County, cemeteries in, supporting.
873	591	State treasury, providing for payment of certain controller's swamp land warrants.
874	592	San Joaquin County, regulating salaries and fixing compensation of officers of. Repealed 1873-4:578.
878	593	San Francisco, house of correction, providing funds to build a.
881	596	Sacramento County, additional notaries public in. Repealed by Pol. C. § 791.
881	597	Sacramento County, swamp lands in, funds for. Repealed 1873-4:274.
886	598	Siskiyou and Lassen counties, providing for survey of line between.
891	602	Mariposa and Fresno counties, defining boundary line between. Amended 1873-4:100.
901	614	San Francisco, providing for repair and improvement of roads and highways in. Probably repealed by 1883:6, chap. 10, sec. 2; also by charter of San Francisco of 1899.
903	615	Yolo and Lake counties, defining boundary line between.
903	616	Orphan asylums, appropriation for. Apparently superseded by 1880:13.
904	617	San Francisco, concerning sheriff of. Superseded by charter of San Francisco, sec. 2, chap. 6, art. V.
909	622	San Francisco, authorizing commissioners of the funded debt to transfer certain funds and property to.
911	626	Montgomery Avenue, opening and establishing. Supplemented 1873-4:522.
925	628	Public buildings and structures, regulating erection of. Superseded as to state officers and works, 1875-6:427.
926	629	Channel Street and Mission Creek, construction of open canal through.
940	632	Navigable streams, providing for location of tow-paths along.
941	633	Solano and Yolo counties, protecting from overflow by Putah Creek. Repealed 1873-4:84.

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- 945 634 Irrigation, act to promote. Seems necessarily inconsistent with the Wright Act, 1887:29, chap. 34, but that statute in § 46 declares that none of its provisions shall be construed as repealing or modifying the provisions of any act relating to irrigation or water commissioners; also with statute of 1897:254, which also contains same reservations as to its repealing effect.
- 948 635 State, release of claim by to certain lands.
- 951 637 Wages of labor and fees of subordinate officers, protection of.

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- 12 13 University of California, intoxicating liquors, prohibiting sale of within two miles of. Superseded by Pen. C. § 172, as amended April 8, 1876.
- 13 15 Calaveras County, regulating fees and salaries in, supplementing act of March 4, 1870. Repealed by Co. Gov. Act, 1897:547, § 188.
- 20 18 Fresno, Tulare, and Humboldt counties, additional notaries for. Repealed by Pol. C. § 791.
- 21 20 Ventura County, legal distances, defining. Repealed by Pol. C. § 200.
- 27 27 Napa state asylum for the insane, prohibiting sale of intoxicating liquors within certain distance of. Superseded by Pen. C. § 172.
- 29 31 Tulare County, fixing terms of court of. Repealed 1877-8:94 (Am.).
- 30 32 Notaries public, additional for certain counties. Repealed by Pol. C. § 791.
- 31 35 San Francisco, supervisors, conferring additional powers upon. Superseded by charter of San Francisco, 1899:241.
- 32 37 Redding, change of name of. Repealed 1880:24.
- 45 50 Tulare County, making applicable to of act of February 21, 1872:141. Repealed 1877-8:560.
- 47 53 Los Angeles County, authorizing supervisors to build bridge across Santa Ana River.
- 50 54 Protecting agriculture and preventing trespassing of animals. Supplemented 1873-4:179, 474, 705, 824. Unconstitutional, in so far as it authorizes justices to enforce a lien. (Young v. Wright, 52 Cal. 407; Sutherland v. Sweem, 53 Cal. 48.) Repealed 1877-8:176. (Hanley v. Sixteen Horses, 97 Cal. 182.)
- 54 56 San Buenaventura, reincorporating. Superseded by reincorporation by statute of 1875-6, p. 534.
- 59 60 Lake Earl, declaring navigable. Repealed 1901:3.
- 60 62 Tulare County, separating offices of county recorder and county clerk. Repealed by Co. Gov. Act, 1897:473, § 55.
- 61 64 Santa Barbara County, concerning conveyances in.
- 62 66 Trinity County, providing for construction and maintenance of free bridges in.

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- 63 67 San Leandro, incorporating, revising act of March 21, 1872:458. Superseded by incorporating, in 1892, under statute of 1883.
- 80 69 Nevada County, protecting game in. Probably modified and repealed by Pen. C. §§ 626c, 626f, 626h, and 626i.
- 82 72 Davisville, estrays in. See sec. 9, statute of 1897, p. 198.
- 83 74 Mariposa County, regulating salaries of certain officers of. Repealed by Co. Gov. Act, 1897:566, § 207.
- 85 77 San Diego, city of, concerning conveyances by municipal authorities of.
- 90 84 Alameda County, county assessor, abolishing office of and creating township assessors. Repealed by Co. Gov. Act, 1897:452.
- 91 85 Eureka, incorporation of. Supplemented 1875-6:333; amended 1875-6:334; repealed by charter of Eureka 1895:355.
- 95 87 San Benito County, act creating. Supplemented 1873-4: 428; the latter act supplemented 1875-6:177; original act amended 1887:103.
- 101 92 San Diego and San Bernardino counties, fixing salary of county judge. Superseded by the constitution of 1879, abolishing the office.
- 108 100 Napa County, fixing fees of county surveyor.
- 108 102 Stanislaus County, additional notaries public. Repealed by Pol. C. § 791.
- 109 103 Humboldt County, fixing compensation of certain officers of. Repealed by Co. Gov. Act, 1897:518, § 168.
- 109 104 Yuba County, salaries of officers. Repealed by Co. Gov. Act, 1897:553, § 194; amended 1901:777.
- 111 105 San Bernardino County, providing for election of supervisors in. Superseded by Co. Gov. Act, 1897:452.
- 111 106 San Rafael, incorporating. Amended 1877-8:767; superseded by incorporating, in 1889, under Mun. Gov. Act of 1883.
- 124 107 Modoc County, creating. Supplemented 1873-4:517; § 4 of last named act repealed as to Adin township, 1877-8: 111.
- 132 112 Estates of deceased persons, collection of savings bank deposits by next of kin. Amended in every section, 1895:32.
- 132 113 Oakland, granting certain salt-marsh and tide lands to.
- 139 115 San Francisco, additional notary for. Repealed by Pol. C. § 791.
- 140 116 Tax sales, legalizing certain notices of.
- 140 117 Napa, city of, reincorporating. Amended 1875-6:550; 1877-8:1011; superseded by charter, 1893:641.
- 153 120 Marysville, superintendent of public schools, fixing salary of.
- 154 121 Tuolumne County, supervisors, prescribing commencement of terms. Repealed by Co. Gov. Act, 1897:452.
- 154 122 Plumas and Sierra counties, protecting fish in. Repealed 1875-6; 725.
- 155 123 Colusa County, county and probate courts, terms of. Repealed 1877-8:94 (Am.).

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- 153 127 Napa County, board of supervisors, reorganizing. Supplemented 1873-4:329. Repealed by Co. Gov. Act, 1897:455, §§ 14-18.
- 160 128 Vallejo township board of education, establishing. Amended 1875-6:9; but if the city of Vallejo is a part thereof, this statute is modified or repealed by the charter of that city, 1899:370.
- 168 129 Shasta County, county clerk, fixing salary of. Repealed by Co. Gov. Act, 1897:452.
- 170 130 Butte County, superintendent of schools, fixing salary of. Repealed by Co. Gov. Act, 1897:452.
- 171 134 Visalia, incorporating. Amended 1875-6:119; superseded by incorporating, in 1900, under statute of 1883.
- 174 135 Mendocino County, fixing salaries of certain officers of. Amended 1877-8:183; repealed by Co. Gov. Act, 1897:525, § 174.
- 177 136 Inyo County, salaries of certain officers of. Supplemented and amended 1878-4:510; repealed by constitution of 1879, abolishing office of county judge, and by Co. Gov. Act, 1897:568, § 211.
- 177 137 San Francisco, city board of examination, conferring further power upon. As to the effect of the charter of San Francisco, see *Mitchell v. Board of Education*, 24 Cal. 330.
- 180 141 Shasta County, sheriff of, allowed compensation for services of undersheriff. Repealed by Co. Gov. Act, 1897:540, § 186.
- 180 142 Mono County, official bonds in. Repealed by Co. Gov. Act, 1897:475, § 66.
- 184 145 Trinity County, county clerk of, salary of. Repealed by Co. Gov. Act, see 1897:568, § 210.
- 185 146 Sierra County, treasurer of. Repealed by Co. Gov. Acts, see 1897:564, § 205.
- 185 147 Alameda County, officers of, salaries. Amended 1875-6:166; repealed by Co. Gov. Acts, see 1897:501, § 160.
- 188 148 Siskiyou County, fees and salaries of officers, amending and supplementing act of March 12, 1870. Supplemented 1873-4:719; repealed by Co. Gov. Acts, see 1897:452, and fee bill of 1895:267.
- 191 152 Sacramento, city of, boundaries establishing. Superseded by the charter of Sacramento, 1893:547, § 5.
- 192 153 San Francisco, certain streets closed.
- 203 155 Monterey County, supervisorial districts, reorganizing. Amended 1873-4:432; superseded by Co. Gov. Acts, 1897:452.
- 204 156 Sacramento County, fees of office and compensation of officers. Supplemented 1873-4:713; repealed as to the officers therein named by the fee bill, 1895:267, and Co. Gov. Act, 1897:452.
- 212 157 Marin County, superintendent of schools, salary of. Repealed by Co. Gov. Acts, 1897:553, § 195.
- 213 158 Yolo and Colusa counties, public road along boundary line between, establishing.

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- 222 162 Yuba County, overflow, protection of lands from. Amended 1877-8:789.
- 223 163 Sonoma County, county surveyor of, fees of.
- 223 164 Mono County, stallions running at large.
- 229 166 Santa Cruz, town of, Isaac E. Davis and Henry Cowell authorized to lay water-pipes in.
- 229 167 Humboldt County, jurors in courts of justice of the peace in. As to jurors' fees, repealed 1895:273.
- 230 168 Santa Clara County, recorder of, fees of. Repealed by the fee bill of 1895:267.
- 231 169 Santa Clara County, complete records in, providing for the keeping of. Superseded by Co. Gov. Act, 1897:484, §§ 120, 121, as to recorders only.
- 235 171 Loan commissioners, granting additional powers to, adding to act of April 2, 1870:646. Superseded by 1891:210.
- 236 172 Fresno and Kern counties, treasurer of, salary of. Amended 1877-8:255; repealed by Co. Gov. Acts, see 1897:452.
- 236 173 Inyo and Alpine counties, traveling fees of sheriffs of. Amended 1877-8:372; repealed by Co. Gov. Acts, see 1897:568, 571, 572, §§ 211, 214, 215.
- 239 176 Nevada County, quarterly meetings of supervisors. Repealed by Co. Gov. Acts, see 1897:452.
- 242 179 Salinas city, incorporation of. Repealed 1875-6:119.
- 271 181 San Francisco, industrial school department of. Probably superseded by 1889:100, 111, chaps. 103 and 108.
- 272 182 San Francisco, Cemetery Avenue, authorizing supervisors to convey a certain piece of land comprising.
- 274 184 Los Angeles, city of, public library, establishing in. Superseded by art. VIII of the charter of Los Angeles, 1889:483. (People v. Howard, 94 Cal. 73.)
- 277 186 Stanislaus County, separating office of county recorder from office of county clerk. Amended 1873-4:448; 1877-8:1001; superseded by Co. Gov. Acts, see 1897:452.
- 280 189 Nevada County, indexing certain records of.
- 283 193 Tulare County, public roads in. Amended 1875-6:11; repealed, 1875-6:631.
- 294 195 San Luis Obispo, town of, funds for. Superseded by incorporating, in 1834, under Mun. Gov. Act of 1833.
- 297 198 Intoxicating liquors, preventing sale of on election days.
- 297 199 Orphan and abandoned children, care of. Amended 1877-8:82.
- 302 205 Martinez, animals running at large in. Superseded by 1875-6:822, § 7.
- 304 206 Yolo County, supervisors, terms of office and time of meeting of. Superseded by Co. Gov. Acts, see 1897:452.
- 308 211 Alameda Creek, declaring navigable, and providing for the removal of obstructions therein. Superseded by Pol. C. § 2349, as amended 1891.
- 310 213 Butte County, protection of agriculture in. Amended 1875-6:314; superseded by 1897:198.

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- 312 214 Los Angeles County, irrigation, promotion of. Superseded as to the power to fix water rates by sec. 1, art. XIV, of the constitution, and statute of 1881:54.
- 319 215 Fiddletown, estrays in. See sec. 9, statute of 1897, p. 198. See 1901:603, § 10.
- 321 218 Squirrel nuisance, abatement of. Amended 1875-6:338.
- 327 222 Public lands, protection of settlers on. Amended 1881:72. See Pol. C. §§ 3441, 3443.
- 327 324 Los Angeles County, additional notary public for. Superseded by Pol. C. § 791.
- 329 227 Napa and Solano counties, title to certain lands in, quieting.
- 330 228 Santa Barbara, city of, incorporating. Amended 1875-6:285; 1877-8:776; last act repealed 1887:108; superseded by the charter of Santa Barbara; 1899:450.
- 333 231 San Francisco, public reservations in.
- 339 236 Marin County, public schools, Dixie district. Apparently repealed by Pol. C. § 1619, as amended 1893:251.
- 341 239 Sierra Iron Company, granting right to construct road in Sierra and Plumas counties.
- 341 240 Los Nitos Collegiate Institute, conferring further powers and privileges on trustees of.
- 343 243 Yolo County, agriculture, protection of. Repealed 1877-8:362.
- 345 245 Real estate, conveyances of.
- 347 249 Big trees, protection of, in Fresno, Tulare, and Kern counties.
- 347 250 Placer County, reorganizing board of supervisors in. Amended and supplemented 1873-4:775; 1875-6:573; Act of 1873-4:775 repealed 1875-6:573.
- 349 252 Fresno, Tulare, and Kern counties, judges of, salaries of. Superseded by the constitution of 1879, abolishing the offices.
- 349 253 Lake County, transfer and loan of certain funds in.
- 350 254 Putah school district and Yolo school district, union of.
- 351 255 Wheatland, incorporation of. Amended 1875-6:19; 1877-8:441; superseded by incorporating, in 1891, under Mun. Corp. Act of 1883.
- 356 257 Educational offices, making women eligible to.
- 356 258 University lands, sale of. Amended 1880:36.
- 362 266 Modoc County, lawful and partition fences in. Amended 1875-6:71.
- 364 267 Mariposa County, levy of additional tax in. Superseded by subs. 12 and 18, sec. 25, Co. Gov. Act, 1897:460, 463.
- 365 268 Execution of final process in new counties.
- 366 270 Senatorial and assembly districts, defining. Amended 1880:4; repealed 1883:58, 55, chaps. 34 and 47.
- 370 271 San Diego, city of, legalizing certain ordinances of and repealing others with reference to Texas and Pacific Railroad Company.
- 374 272 Inyo County, government of, payment of expenses of. See subs. 12 and 18, sec. 25, Co. Gov. Act, 1897:460, 462.

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- 876 278 Migratory herds or bands of livestock, assessment of. Supplemented 1875-6:797; unconstitutional. (People v. Townsend, 56 Cal. 638.)
- 382 278 Plumas County, tax collector of, fees of. Repealed by Co. Gov. Acts, see 1897:566, 572, §§ 206, 215.
- 382 279 Sonoma County, salaries and compensation of certain officers of. Amended 1873-4:720; 1875-6:576, 726; repealed by Co. Gov. Acts, see 1897:509, § 163.
- 391 285 San Diego, city of, school districts, legalizing and confirming boundaries of.
- 392 286 Napa County, salaries and compensation of certain officers. Amended 1877-8:551; repealed by Co. Gov. Acts, see 1897:532, § 180.
- 393 287 County treasuries, protection of. Probably repealed by Co. Gov. Acts, see 1897:452.
- 394 288 San Francisco, training ship, establishing and maintaining. Repealed 1875-6:54.
- 395 289 San Jose, reincorporating. Amended 1875-6:627; 1877-8:289, 846; 1891:97; superseded by the charter of San Jose, 1897:593.
- 420 290 Yolo County, regulating fees and salaries of officers of. Amended 1875-6:170, 566; 1877-8:637; repealed by Co. Gov. Acts, see 1897:523, § 181.
- 430 293 Estate of Sumner B. Hinds, deceased, authorizing transfer of certain promissory notes belonging to, to the territory of Washington.
- 431 294 Tehama County, poll tax. As to assessors retaining fees, repealed by Co. Gov. Acts, see 1897:552, § 193.
- 432 298 Marin County, compensation of certain officers of. Repealed as to county judges by the constitution of 1879, and as to the other officers by Co. Gov. Acts, see 1897:554, § 195.
- 434 299 Lake County, restricting sheep from being herded or running at large in certain parts of. Amended 1875-6:312.
- 434 300 Intoxicating liquors, permitting voters to vote on question of granting license to sell. Repealed, 1875-6:10; unconstitutional (Ex parte Wall, 48 Cal. 279).
- 443 309 San Diego County, assessor of, compensation of. Repealed by Co. Gov. Acts, see 1897:513, § 165.
- 443 310 Amador County, supervisors, act in relation to. Repealed by Co. Gov. Acts, see 1897:453, 492, §§ 10, 157.
- 446 313 Amador County, revenue of. Superseded by subs. 12 and 18, sec. 25, Co. Gov. Act, 1897:460, 463.
- 453 319 Tuolumne County, township officers, regulating. Repealed by Co. Gov. Acts, see 1897:474, § 56; also C. C. P. § 103.
- 453 320 Santa Clara County, roads and highways. Amended 1875-6:167, 606; unconstitutional as to condemnation proceedings (Weber v. Santa Clara, 59 Cal. 265); repealed 1883:5, chap. 10, sec. 2.
- 465 321 Sacramento County, East Park, protection of property of.

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- 466 322 San Joaquin County, supervisors of. Repealed by Co. Gov. Acts, see 1897:452.
- 466 323 Redwood City, trustees authorized to extend and open Stambaugh Street.
- 472 324 Trinity and Shasta counties, public schools of, employment of teachers in. Amended 1875-6:122; probably repealed by Pol. C. § 1696, as amended 1893:255.
- 472 325 Kern County, transfer of funds of. Amended 1875-6:249; superseded by sub. 18, sec. 25, Co. Gov. Act, 1897:463.
- 474 326 San Benito County, provisions of act of 1873-4:50, made applicable to. Repealed 1877-8:176; 1897:198.
- 475 329 Sacramento County, transcribing of certain records in.
- 477 331 San Francisco, personal property, assessment, and collection of taxes on. Repealed 1895:308; unconstitutional (*People v. Pittsburg R. R. Co.*, 67 Cal. 625).
- 479 332 San Mateo County, prescribing duties and providing salaries for certain officers of, etc. Amended 1873-4:779; 1877-8:583; modified and probably repealed by Co. Gov. Acts, see 1897:462.
- 487 333 San Francisco supervisors, ratifying and confirming certain ordinances and resolutions of.
- 490 334 Yolo County, roads and highways in. Repealed 1883:5, chap. 10, sec. 2.
- 492 335 Yolo County, quieting title to certain lands in.
- 492 336 Nevada County, railroad from Colfax to Nevada City, providing for.
- 494 337 Calaveras County, poll tax in. Amended 1877-8:35; superseded by Pol. C. §§ 3839, 3840, and sub. 5, sec. 25, Co. Gov. Act, 1897:458.
- 499 340 Animals, prevention of cruelty to. Amended and §§ 20 to 22 added, 1901:285; 1903:69.
- 503 342 Butte County, roads in. Superseded by 1883:5, chap. 10, sec. 2, and the Co. Gov. Acts, see 1897:452.
- 509 344 Mono and Inyo counties, teachers in, employment of. Probably repealed by Pol. C. § 1696 as amended 1893:255.
- 509 345 Liquors sold at retail, collection of accounts for.
- 510 347 Sierra County, supervisors to levy taxes for county purposes. Superseded by subs. 12 and 18, sec. 25, Co. Gov. Act, 1897:460, 463.
- 511 349 Sutter County, levee district No. 1, defining boundary, etc. Amended 1877-8:914; 1889:355; 1901:629.
- 516 350 Napa County, dispensing with copies of great register in certain elections in. Repealed by Pol. C. §§ 1094-1097 and 1115, 1116, as amended in 1899.
- 533 371 Menlo Park, incorporation. Repealed 1875-6:400.
- 537 374 Stanislaus County, offices of public administrator, coroner and superintendent of schools. Repealed by Co. Gov. Acts, see 1897:452.
- 537 376 Stanislaus County, county superintendent of schools, compensation of. Repealed by Co. Gov. Acts, see 1897:550, § 191.

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- 539 378 Mendocino County, regulating fees of certain officers of. Repealed by Co. Gov. Acts, see 1897:525, § 174, and fee bill of 1895:267.
- 542 380 Public lands, bona fide settlers on, protection of.
- 543 381 Pre-emption and homestead claimants, protection of.
- 544 382 Mendocino County, Big River township, purchase and construction of free bridges in. Amended and supplemented 1873-4:791.
- 557 388 Woodland, reincorporating. Amended and supplemented 1875-6:818; amended 1877-8:34, 447; superseded by incorporating, in 1890, under Mun. Corp. Act of 1883.
- 572 401 Sutter County, roads and highways in. Repealed 1883: 5, chap. 10, sec. 2.
- 574 402 Inyo County, additional notaries public for. Repealed by Pol. C. § 791.
- 574 403 San Francisco, board of education to exchange a lot of land.
- 575 404 San Joaquin County, regulating salaries and fixing compensation of officers of. Repealed by Co. Gov. Acts, see 1897:505, § 164.
- 579 405 Calaveras County, agriculture, protection of. Supplemented 1875-6:901; repealed 1897:198.
- 582 411 Homesteads, alienating or incumbering.
- 588 415 San Francisco, supervisors, ratifying and confirming certain ordinances of. Unconstitutional (*Reis v. Graff*, 51 Cal. 86; *Brady v. King*, 53 Cal. 44).
- 589 415 San Francisco, supervisors, legalizing, ratifying, and confirming certain orders and resolutions of.
- 590 416 San Francisco, legalizing grades of certain streets.
- 593 418 Trinity County, supervisors to fix and pay compensation of under-sheriff of. Superseded by Co. Gov. Acts, see 1897:568, § 210.
- 598 419 State treasurer to pay controller's warrants.
- 599 421 Sacramento County, allowing certain persons to take possession of and improve a certain road in.
- 600 422 Santa Clara County, auditor, seal of office.
- 601 423 Alameda County, deputy sheriff of, fixing compensation of. Repealed 1897:501, § 160.
- 602 425 Yolo and Solano counties, supervisors, powers of.
- 602 426 San Francisco, district attorney of, office of. Superseded by chap. 3 of art. V of charter of San Francisco, 1899:278.
- 605 430 Los Angeles, city of, special school law of, amended. Superseded by charter of that city, 1889:455.
- 607 433 Trinity County, supervisors to fix rate of tolls to be charged on wagon roads. See Co. Gov. Act, 1897:452, § 25, sub. 36.
- 610 435 Santa Clara County, fees and salaries of officers of. Repealed by Co. Gov. Acts, see 1897:506, § 161.
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- 616 437 Contra Costa County, quieting title to certain salt-marsh and tide lands in.

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- 618 441 San Luis Obispo, Santa Barbara, and Ventura counties, fixing salaries of certain officers of. Repealed as to county judges by the constitution of 1879, abolishing the offices, and as to the other offices, by the Co. Gov. Acts, see 1897:452.
- 619 442 Buoys and beacons, protection of.
- 621 445 Submarine sites for lighthouses and other aids to navigation.
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- 633 447 Los Angeles, city of, charter of, amended 1875-6:692; 1877-8:642; superseded by charter of that city, 1889:455.
- 660 448 Merced County, separating office of county recorder from county clerk. Amended 1877-8:107, 137; repealed by Co. Gov. Acts, see 1897:557, § 198.
- 663 451 State harbor commissioners to make repairs on private wharves in their possession.
- 665 453 Healdsburg, charter of. Amended 1875-6:90, 391; superseded by incorporating, in 1888, under Mun. Gov. Act of 1888.
- 675 454 Hollister, incorporating. Superseded by incorporating under the statute of 1883, in 1901.
- 689 455 Contra Costa County, swamp land district No. 118, relative to.
- 690 457 Mokelumne, town of, name changed to Lodi.
- 691 460 Sacramento, city of, legalizing assessment in. Unconstitutional (People v. Lynch, 51 Cal. 15).
- 692 461 San Joaquin County, making county treasurer ex-officio tax collector, and the recorder ex-officio county auditor. Superseded by Co. Gov. Acts, see 1897:452.
- 694 463 State geological survey, preservation of material of.
- 700 467 Constables, legalizing official acts of certain.
- 700 468 Fresno and Tulare counties, establishing county line between.
- 702 469 Placer County, county recorder, salary of. Repealed 1877-8:269.
- 703 470 Petaluma, reincorporating, amending and supplementing act of March 27, 1868. Repealed 1873-4:365.
- 705 471 Napa County, applying provisions of act of 1873-4:50, to. Repealed 1897:198.
- 706 473 City clerk of, to execute certain trusts. Repealed 1873-4:754.
- 707 474 Foreclosure suits, abolishing attorneys' fees in.
- 708 477 Mono County, assessor, fixing compensation of. Repealed by Co. Gov. Acts, see 1897:570, § 213.
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- 709 479 Placer County, consolidating offices of sheriff and tax collector. Repealed by Co. Gov. Acts, see 1897:452.

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- 726 498 Coal mines and miners, protection of.
- 727 499 San Jose, law library in, establishing. See statute of 1891:430, which, however, does not repeal this act, if a library had been established under or preceding it.
- 728 500 Sacramento, city and county, streets and roads in. Amended 1875-6, by repealing §1, p. 303.
- 731 502 Firemen in certain counties, to be exempt from payment of poll tax. Repealed 1875-6:287.
- 732 508 Constitution of state, convention to revise.
- 732 504 Merced and Stanislaus counties, witness fees in. Repealed 1875-6:493.
- 732 505 Butte County, salaries and compensation of officers. Amended 1875-6:753, 906; 1877-8:248; superseded by the Co. Gov. Acts (Lynch v. Butte County, 102 Cal. 448).
- 745 510 Mutual benefit and relief associations. Amended 1880:25; 1901:6.
- 751 516 Children, educational rights of. Repealed 1903:388, §13.
- 753 517 Solvent debts, taxation of. Repealed 1875-6:773, chap. 508, amending codes.
- 754 518 Placerville, city clerk to execute certain trusts. Repealed 1875-6:323.
- 755 520 Klamath County, annexed to Humboldt and Siskiyou. Amended and supplemented 1875-6:603.
- 766 531 Mineral lands, sale of. Amended 1875-6:20; 1880:26; repealed 1897:438.
- 768 532 El Monte township, Los Angeles County, protection from overflow.
- 770 533 Sale of swamp lands, distribution of funds derived from.
- 776 539 Red Bluff and Tehama, estrays in. Repealed 1877-8:79.
- 777 540 Mutual Life Insurance Company of New York and Equitable Life Insurance Company of the United States, authorized to invest money in California.
- 780 545 Railroad from Marysville to Knight's Landing, construction of.
- 783 548 Solano County, county seat, location of. Already located by Pol. C. § 3956.
- 785 551 Branch state prison near Folsom, erection and maintenance of. Superseded 1889:404.
- 789 553 San Francisco, ratifying order of supervisors of.
- 790 554 Moro Cojo Slough declared navigable. Repealed by Pol. C. § 2349, as amended 1891.
- 794 561 Coroners and elisors, fees of. Superseded by Co. Gov. Acts, see 1897:481, § 105.
- 795 564 Alameda, town of, streets in.
- 796 565 Tehama County, making treasurer of ex-officio tax collector. Amended 1875-6:232; repealed by Co. Gov. Acts, see 1897:452.

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- 807 575 San Francisco, waterworks for, to provide and maintain. Superseded by art. XII, charter of San Francisco, 1899:346.
- 816 577 Tehama County, redistrict and reorganize board of supervisors. Superseded by Co. Gov. Acts, see 1897:452.
- 818 578 Yolo and Colusa counties, quieting title to certain lands in.
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- 825 585 Santa Clara County, firemen of, exemption from payment of poll taxes. Probably superseded by Co. Gov. Acts, see 1897:452, and constitution of 1879, sec. 12, art. XIII.
- 825 588 El Dorado County, board of auditors of. Amended 1875-6:681; 1877-8:281; superseded by Co. Gov. Acts, see 1897:452.
- 828 594 San Francisco, board of city hall commissioners, abolishing. Supplemented 1875-6:868.
- 833 597 Placer County, roads and highways. Repealed 1883:5, chap. 10, sec. 2.
- 844 601 Shasta County, roads and highways. Repealed 1883:5, chap. 10, sec. 2.
- 845 603 Oakland, to issue and sell bonds of.
- 851 606 North Beach and Mission Railroad Company, granting certain privileges to.
- 853 609 Tehama County, to protect agriculture and prevent trespassing of animals in. Amended 1875-6:643; modified and probably repealed by 1877-8:176, chap. 136, and 1897:198, and by the estray law of 1901:603.
- 858 611 Salt-marsh and tide lands, survey and disposition of, supplementing and amending act of April 1, 1870. Repealed 1875-6:15 (Am.).
- 859 615 El Dorado County, Mud Springs township, trespassing of animals upon private property in. Modified and probably repealed by estray law, 1897:198; 1901:603.
- 863 618 Sacramento County, fees of justices of the peace and constables in. Repealed by fee bill, 1895:270, 272.
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- 866 627 Mining corporations, protection of stockholders in. Amended 1880:134; 1897:38.
- 867 629 Swamp land district No. 150, formation of.
- 868 630 Solano County, supervisors to levy a road tax. Superseded by Co. Gov. Act, sec. 25, subds. 12 and 13, 1897:460, 463.
- 869 632 Solano County, salaries of officers of, regulating. Amended 1875-6:56; 1877-8:536. Repealed by Co. Gov. Acts, see 1897:519, § 169.
- 872 634 El Dorado County, supervisors, organizing board of. Repealed by Co. Gov. Acts, see 1897:452.

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- 887 641 Sutter Creek, town of, incorporating. Repealed 1875-6: 40.
- 892 642 Oakland, authorizing to obtain a supply of water. Superseded by charter, 1889:529, 537.
- 896 645 Sacramento, city of, legalizing the assessment of a street tax. Unconstitutional (People v. Lynch, 51 Cal. 15).
- 896 646 Siskiyou, Modoc, and Sonoma counties, apportioning school moneys in, manner of. Amended 1875-6:33; superseded by Pol. C. §§ 1543, 1858.
- 903 649 Governor's mansion, fitting it up for use as a state printing office and state armory. Repealed 1875-6: 22 (Am.).
- 904 650 Hogs running at large in certain towns. Repealed 1897:198.
- 905 652 Amador City, hogs running at large in. Repealed 1897:198.
- 909 658 Sacramento County, government of. Amended 1875-6: 230; 1877-8:267. Superseded by Co. Gov. Acts, see 1897:452.
- 910 659 State harbor commissioners, act concerning. Superseded apparently by the provisions of §§ 2520-2554, Pol. C.
- 911 660 Civil officers, removal of for violation of official duty. Repealed by the constitution of 1879 and the County Government Acts (Fraser v. Alexander, 75 Cal. 147).
- 912 661 State harbor commissioners, granting further powers to. Superseded apparently by the provisions of §§ 2520-2554, Pol. C.
- 913 663 Fresno County, county seat, locating.
- 937 666 State capitol, employees at. Amended 1880:107; 1889: 449.
- 938 667 Female teachers, to prevent discrimination against.
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- 940 671 Oysters, encouraging planting and cultivation of.
- 941 674 El Dorado County, disposition of proceeds of poll taxes in. Repealed by Pol. C. § 3861.
- 942 676 San Francisco, paid fire department in. Superseded by the charter of San Francisco, art. IV. 1899:335.
- 957 678 Reclamation district No. 124, Colusa County.
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- 1 1 Text-books in public schools, preventing change in. Repealed 1880:42, and by sec. 7, art. IX, of the constitution (People v. Board of Education, 55 Cal. 331).
- 3 5 Los Angeles County, additional justice of peace and constable for. Superseded by C. C. P. § 103, as amended 1901:100.
- 6 15 Plumas County, roads in, keeping in repair. Superseded 1883:5, chap. 10, sec. 2.

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- 13 28 Stockton, city council empowered to protect city from inundation. Superseded by charter of that city, 1889:577.
- 14 32 Solano County, county recorder made ex-officio auditor. Repealed 1877-8:156.
- 15 34 Los Angeles County, supervisors to authorize the appointment of a deputy district attorney for. Superseded by Co. Gov. Acts, see 1897:498.
- 16 37 Fresno, Tulare, and Kern counties, tax collectors of, bonds of. Repealed by 1897:475, § 66.
- 17 38 Mariposa, Tuolumne, and Calaveras counties, treasurers of, bonds of. Repealed by Co. Gov. Acts, see 1897:475, § 66.
- 30 52 Los Angeles County, highways in. See 1888:5, chap. 10, sec. 2; also Co. Gov. Act, 1897:452.
- 31 54 San Mateo County, road overseer in, compensation of. Repealed as to road overseers by Pol. C. § 2642.
- 32 55 Wood's Island, in Sacramento County, annexed to Rio Vista school district, in Solano County, for school purposes.
- 32 58 Lumber manufacturers, protection of.
- 34 60 Santa Cruz County, county surveyor of.
- 34 61 Humboldt County, district attorney of, salary of. Superseded by Co. Gov. Acts, see 1897:518, § 168.
- 35 63 Santa Clara County, fees and salaries of officers of. Amended 1875-6:368; 1877-8:288; repealed, as to salaries, by Co. Gov. Act, see 1897:506, § 161; and as to fees by the fee bill of 1895:267, as to the officers therein provided for.
- 41 65 C. F. Leavenworth and his assigns, granting right to supply town of Modesto with water.
- 41 66 Humboldt County, dependent poor and indigent sick of, relief and maintenance of. Supplemented 1875-6:488; superseded by Co. Gov. Act of 1897:452.
- 45 68 Tuolumne County, salaries of certain officers of. Repealed by Co. Gov. Acts, see 1897:556, § 197.
- 54 79 San Francisco, training ship in, establishing and maintaining. Amended 1877-8:223.
- 57 83 Fresno County, animals at large in. Repealed 1897:198.
- 58 89 Twenty-first judicial district, creating. Amended 1877-8:278; superseded by the constitution of 1879, abolishing the district court.
- 60 91 Marysville, levee indebtedness of, funding of.
- 62 92 Oakland, to district the city into wards. Amended 1877-8:848; superseded by sec. 6 of art. I of the charter of Oakland, 1889:519.
- 64 94 Oakland, elections in, time for holding. Superseded by the charter of Oakland, 1889:514.
- 69 98 Tehama County, refunding debt of.

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- 78 109 Calaveras County, regulating certain township offices in. Superseded by C. C. P. § 103, and Co. Gov. Act, 1897: 474, § 56.
- 79 110 Los Angeles, city of, issuance of bonds by, for improvement of irrigation in.
- 81 111 Humboldt County, clerk of, compensation of. Repealed by Co. Gov. Act, 1897:518, § 168.
- 81 112 Inyo County, assessor, compensation of. Amended 1877-8:256; repealed by Co. Gov. Act, 1897:568, § 211.
- 82 114 San Francisco, water rates in, establishing. Amended 1875-6:760; repealed by constitution of 1879 (Spring Valley W. W. v. Bryant, 52 Cal. 132).
- 84 115 Contra Costa County, fees of office and compensation of officers. Repealed by fee bill of 1895:267, as to officers therein named.
- 91 118 Contra Costa County, salaries and compensation of officers of. Repealed by Co. Gov. Act, 1897:536, § 183.
- 94 119 Salinas City, reincorporating. Amended 1895:206.
- 124 120 Monterey County, supervisors, terms of. Amended 1877-8:326; repealed by Co. Gov. Act of 1897:452.
- 127 122 Alameda County, fees, regulation of. Repealed by fee bill, 1895:267, as to officers therein named.
- 130 123 Los Angeles County, sheriff, fees of. Repealed by fee bill, 1895:267.
- 131 124 Marysville, levees, construction and repair of.
- 133 126 Napa state asylum for the insane. Amended 1883:261; 1887:177; 1889:351; repealed by the lunacy commission act, 1897:311.
- 140 126 Alpine County, treasurer of, bond of. Repealed by Co. Gov. Act, 1897:475, § 66.
- 140 127 Swamp land reclamation district No. 118, assessment in. Unconstitutional (People v. Houston, 54 Cal. 536).
- 141 128 Sutter County, school trustees, fixing time for election of. Repealed by Pol. C. § 1593, as amended 1893:247.
- 141 129 Calaveras County, supervisors and district attorney, offices of. Repealed by Co. Gov. Act, 1897:452.
- 142 140 San Francisco, county clerk to keep his office open on all election days. Repealed 1880:18.
- 143 143 Del Norte County, transfer of swamp land fund to general fund. Superseded by subd. 18, sec. 25, Co. Gov. Act, 1897:463.
- 143 144 Squirrels, destruction of. Amended 1875-6:637, and made applicable to San Luis Obispo; superseded by subd. 26, sec. 25, Co. Gov. Act, 1897:465.
- 148 147 Calaveras County, terms of probate and county courts. Repealed 1877-8:94 (Am.).
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- 149 149 Marysville, reincorporating. Amended 1877-8:593.

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- 153 152 San Francisco, additional interpreter for criminal courts. Superseded by the charter of San Francisco.
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- 154 155 Modoc and Lassen counties, county treasurer, bonds of. Repealed by the Co. Gov. Acts, see 1897:475, § 66.
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- 162 158 Ukiah, incorporation of. Superseded by incorporation, in 1886, under Mun. Gov. Act of 1883.
- 169 161 Oakland, superintendent of public schools, salary of. Amended 1877-8:735; superseded by the charter of Oakland, 1889:514.
- 171 166 Modoc County, terms of county and probate courts. Repealed 1877-8:94 (Am.).
- 172 170 Tulare and Kern counties, assessors, salary and bond of. Superseded by Co. Gov. Acts, see 1897:521, 535, §§ 170, 182.
- 173 171 San Mateo County, boundary fences and trespass of animals in. As to trespassing of animals, repealed 1897:198.
- 175 172 Division fences, construction of. Amended 1877-8:765; repealed, as to San Mateo County, 1877-8:1019.
- 180 176 Marin County, road poll taxes in, collection of. Repealed by Pol. C. § 2652, as amended 1891:478.
- 180 177 Woodbridge, estrays in. Repealed 1897:198.
- 189 181 Santa Cruz, city of, reincorporating. Supplemented 1877-8:870.
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- 209 185 Lake County, issuance of bonds by. Amended 1875-6:405.
- 210 187 Marysville and Long Bar townships, protection of agriculture. Repealed 1897:198.
- 212 188 Santa Barbara County, county clerk of. Repealed by Co. Gov. Acts, see 1897:531, § 179.
- 213 189 San Mateo County, transfer of swamp land fund of, to general fund. Superseded by subd. 18, sec. 25, Co. Gov. Act, 1897:463.
- 214 190 Sacramento, city of, suit against. Amended 1875-6:365. Unconstitutional (Hoagland v. Sacramento, 52 Cal. 142).
- 215 191 Merced County, county and probate courts, terms of. Amended 1877-8:848; repealed 1877-8:94 (Am.).
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- 362 275 Sacramento, city of, expert, appointment of. Repealed by the charter of Sacramento.
- 362 276 San Antonio Creek, preventing catching of fish in, by seines, nets, or weirs. See Pen. C. §§ 636, 636a.
- 365 281 Alameda County, county clerk to employ additional deputies. Repealed by Co. Gov. Acts, see 1897:452.
- 365 282 Los Angeles, Sutter, and Butte counties, treasuries of, better protection of. Supplemented and amended 1875-6:637, exempting Sutter County; superseded by Co. Gov. Act, 1897:483, § 115.
- 370 284 Amador County, salaries and compensation of officers of. Repealed by Co. Gov. Acts, see 1897:548, § 189.
- 373 285 Stanislaus, Fresno, and Sutter counties, protection of agriculture in. Repealed 1897:198.
- 376 286 Mendocino County, purchase and erection of bridges in, building and improvement of roads.
- 382 287 San Luis Obispo, town of, issuance of bonds by.
- 385 288 Folsom, to prevent goats from running at large in. Repealed in 1897:198.
- 385 289 Lake County, roads and highways in. Repealed 1883:5, chap. 10, sec. 2.
- 389 292 Alpine County, extending time for selling property for delinquent taxes. Repealed 1877-8:783.
- 389 294 San Bernardino County, district attorney, salary of. Repealed by Co. Gov. Acts, see 1897:516, § 167.
- 391 298 Del Norte County, making applicable to act of 1871-2:203.
- 391 299 Levee district No. 2, Sutter County, defining boundary and providing for government of. Amended and supplemented 1893:199; 1895:236.
- 397 301 Fresno and Tulare counties, boundary line between.
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- 402 310 Sutter Creek, Amador County, preventing hogs and goats running at large in. Repealed 1897:198.
- 403 312 Amador County, terms of county and probate courts in. Repealed 1877-8:94 (Am.).
- 404 314 Nevada County, fees and mileage in criminal cases in. Repealed by fee bill of 1895:267, and Co. Gov. Acts, see 1897:524, § 173.
- 405 315 Sierra County, road districts and road overseers. Repealed by Pol. C. §§ 2641 and 2642, as amended in 1893, and the Co. Gov. Acts, see 1897:452.
- 408 318 Inclosures, leaving open, etc. Amended 1877-8:49, 776.
- 413 321 Placer County, roads and highways in. Amended 1877-8:116; repealed 1883:5, chap. 10, sec. 2.
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- 28 24 Monterey County, court-house and jail, erection of. Amended 1877-8:1034.
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- 535 352 Oleomargarine, to prevent sale of as butter. Probably repealed by 1883:20; if not, it is superseded by 1895:41, chap. 381, and 1897:65, chap. 75.
- 535 353 Justice, John D., to cure defects in application of, to purchase lands.
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- 544 362 Marin County, election of road overseers in. Repealed by Pol. C. § 2642.
- 545 363 El Dorado County, improvement of roads in. Repealed 1883:5, chap. 10, sec. 2.
- 547 364 Plumas County, in relation to certain officers of. Repealed by Co. Gov. Acts, see 1897:565, § 206; never went into effect (*Whiting v. Haggard*, 60 Cal. 513).
- 550 365 Napa County, supervisors to transfer a certain fund. Superseded by subd. 18, sec. 25, Co. Gov. Act, 1897:462.
- 551 367 Nevada County, regulating salaries of officers of. Repealed by Co. Gov. Acts, see 1897:524, § 173.
- 553 374 Tulare County, board of health, establishing. Superseded by subd. 20, sec. 25, Co. Gov. Act, 1897:464.
- 559 375 Kern and Tulare counties, travelling fees of sheriffs of. Repealed by fee bill of 1895:269.
- 561 378 Independent Order of Odd Fellows, authorizing trustees to lease a lot in San Francisco.
- 562 389 Reclamation district No. 317, creating.
- 563 380 Colusa County, additional powers of supervisors. Repealed by Co. Gov. Acts, see 1897:452.
- 563 381 San Bernardino County, regulating and protecting bee-keeping in.
- 564 382 Santa Cruz County, juries in justices' courts and witnesses in courts of record. Repealed by fee bill of 1895:273.
- 567 384 Butte County, sheriff, act concerning.
- 567 385 Colusa County, to confer certain powers on supervisors of. Repealed by the Co. Gov. Acts, see 1897:452.
- 569 387 Colusa County, fixing amount of official bonds in. Repealed by Co. Gov. Acts, see 1897:475, § 66.
- 569 389 Napa County, providing for the building and furnishing of a court-house and jail in.
- 574 391 Los Angeles County, fees and salaries in. Repealed by Co. Gov. Acts, see 1897:496, § 159, and by the fee bill of 1895:267.
- 579 393 San Francisco, to establish and maintain a free dispensary in. Superseded by charter of that city.

PAGE CHAP.

1877-8—Continued.

- 580 394 Swamp land district No. 70, to reorganise. Amended 1891:62.
- 586 398 San Bernardino County, to authorize the construction of a wagon road in.
- 591 400 Setting off southwestern portion of Sutter Island, in Sacramento County, for school purposes.
- 592 401 Calaveras County, constables of, fees of. Repealed by fee bill of 1895:267.
- 592 402 Scott's Valley school district, Siskiyou County, authorizing trustees of to borrow money.
- 596 404 Tuolumne County, to provide for, care, and maintenance of indigent sick of. Superseded by subd. 5, sec. 25, Co. Gov. Act, 1897:458.
- 598 408 Alameda County, prohibiting destruction of fish in.
- 599 410 Alameda, town of, to provide funds for school department of.
- 601 411 Kings River, to prevent destruction of fish in.
- 601 412 Sherman Island, for the protection of roads on.
- 604 415 Establishing a scale for the measurement of logs. Amended 1880:119.
- 614 417 Oakland, opening of streets in. Probably superseded by the Vrooman act, 1885:147.
- 620 418 San Jose, providing for the opening, widening, and extending of streets in. Probably superseded by the Vrooman act, 1885:147.
- 630 424 San Francisco, ratifying resolution 11,900 of supervisors of.
- 630 425 Clear Lake, in Lake County, declared navigable. See Pol. C. § 2849, from which this lake is omitted, and this statute, apparently, thereby repealed.
- 630 426 San Francisco, to provide for the payment of certain salaries in. Superseded by charter of that city.
- 634 429 To provide a system of irrigation, promote rapid drainage, and improve the navigation of the Sacramento and San Joaquin rivers. Amended 1889:328, chap. 218, which renders the statute inoperative.
- 639 434 Sacramento, city of, relative to board of trustees. Superseded by charter of that city, 1893:545.
- 640 437 Alameda County, supervisors to establish a receiving hospital in Oakland.
- 682 441 Ivy Avenue, San Francisco, to close.
- 683 444 To regulate fees in certain counties. Repealed by the fee bill of 1895:267.
- 685 445 Lake County, to prevent sheep and goats from running at large in parts of. Probably repealed 1897:193.
- 685 446 San Francisco, reorganizing the paid fire department of. Superseded by charter of that city.
- 692 447 Sonoma County, division fences in.
- 695 449 To prohibit and punish the sale of adulterated syrup.
- 695 450 To protect stockholders and persons dealing with corporations.
- 700 457 San Mateo County, to confer powers upon supervisors of. Repealed 1881:21.

PAGE CHAP.

1877-8—Continued.

- 701 453 San Luis Obispo County, regulating fees of recorder of. Repealed by Co. Gov. Acts, see 1897:527, § 176.
- 701 459 San Luis Obispo, city, streets and roads in. Modified by Pol. C. § 2642, abolishing the office of road overseers; superseded by incorporation, in 1884, under Mun. Corp. Act of 1883.
- 703 461 Amador County, to provide for the location, construction, and maintenance of roads in. Repealed 1883:5, chap. 10, sec. 2.
- 712 463 Dixon, incorporating town of. Superseded by incorporation, in 1884, under Mun. Corp. Act of 1883.
- 732 470 Yuba, Sutter, and Placer counties, to organize a levee district in.
- 736 473 Alameda County, supervisors, to fix the pay of. Repealed by Co. Gov. Acts, see 1897:501, § 160.
- 736 474 Monterey County, to legalize certain records of.
- 740 481 Creating a board of bank commissioners. Amended 1887:90; 1895:172; 1901:30; repealed 1903:73.
- 746 482 Lake Bigler, preservation of fish in the waters of.
- 746 483 To provide for the distribution of school moneys in certain counties. Repealed, see Pol. C. § 1858.
- 747 484 Giving a lien to loggers and laborers employed in logging camps. Amended 1880:88; 1887:53.
- 752 487 Court-house school district, Sonoma County, to re-establish.
- 753 488 National Guard, to define the duties of inspectors of rifle practice. Probably repealed by Pol. C. § 2008; adopted 1897.
- 759 490 To provide for a convention to frame a new constitution.
- 773 496 San Joaquin County, to encourage destruction of squirrels and gophers in. Superseded by subd. 26, sec. 25, Co. Gov. Act, 1897:465.
- 777 501 Santa Barbara, laying out, opening, and improving streets in. Unconstitutional (*Boorman v. Santa Barbara*, 65 Cal. 313); superseded by Vrooman act, 1885:147, and by the charter of Santa Barbara, 1899:450.
- 778 502 El Dorado County, fixing the salaries of certain officers in. Repealed by Co. Gov. Acts, see 1897:549, § 190.
- 779 503 Humboldt County, providing for the scaling of logs in.
- 782 504 Colusa County, justices of the peace in. Repealed by fee bill of 1895:272.
- 782 506 San Joaquin County, salary of county judges of. Repealed by the constitution of 1879, abolishing the office.
- 783 508 Yuba City, to incorporate.
- 787 509 To provide for the extermination of squirrels in certain counties. Repealed 1880:7.
- 796 513 To supply the town of Oroville with water for fire purposes.
- 799 514 Declaring Smith River navigable. Superseded by Pol. C. § 2349, as amended 1891.
- 799 515 San Mateo County, terms of court in. Repealed by constitution of 1879, abolishing the courts named.

PAGE CHAP.

1877 B—Continued.

- 799 516 San Bernardino County, to divide into supervisor districts. Repealed by Co. Gov. Acts, see 1897:452.
- 802 518 Tehama Street, San Francisco, to provide for the opening and extending of.
- 812 520 For the protection of children.
- 813 521 Act relating to children.
- 815 523 Contra Costa County, to provide for the extermination of squirrels in. Superseded by subd. 26, sec. 25, Co. Gov. Act, 1897:465.
- 820 526 To create Modesto irrigation district.
- 829 531 Van Ness Avenue, San Francisco, to provide for the improvement of.
- 831 532 To define judicial districts in San Francisco. Repealed by the constitution of 1879, abolishing the district court.
- 835 535 Relating to advances made to agents intrusted with goods. Repealed 1880:120.
- 837 536 Merced County, collection of poll taxes in. Repealed by Pol. C. § 2652.
- 841 539 To provide for the construction of a railroad from Ione to Sutter Creek or Jackson.
- 848 541 Yolo County, authorizing supervisors to levy taxes. Superseded by subd. 12, sec. 25, 1897:460.
- 852 550 To confer upon Sacramento city the power to construct canals and levees. See charter of Sacramento, 1893:547, § 70.
- 853 551 To organize levee district No. 1, Sacramento County. Amended 1880:65.
- 859 552 Fresno County, to provide for the maintenance of roads in. Repealed 1883:5, chap. 10, § 2.
- 863 553 In relation to officers of Monterey County. Repealed, except as to county surveyor, by fee bill of 1895:267, and the Co. Gov. Acts, see 1897:525, § 175. See *Speegle v. Joy*, 60 Cal. 278.
- 879 558 To enable the supervisors of San Francisco to increase the police force. Amended 1877-8:965; superseded by 1889:108, and the charter of that city. See *Clark v. Police Commissioners*, 123 Cal. 24.
- 883 561 Defining and providing for the organization of co-operative business corporations. Superseded by 1895:221.
- 888 565 To incorporate the town of Berkeley. Superseded by the charter of Berkeley, 1895:410 (*Miner v. Justices' Courts*, 121 Cal. 264).
- 909 567 Creating reclamation district No. 254.
- 911 569 Relating to reclamation district No. 205. Repealed 1880:25.
- 915 575 Conferring further powers on the board of supervisors of San Francisco. Repealed 1880:76.
- 922 580 Relative to the powers and duties of the sheriff of Alameda County. Modified by Co. Gov. Acts, see 1897:501, § 160.
- 931 587 Establishing the grade of Vallejo Street, in San Francisco.

PAGE CHAP.

1877-8—Continued.

- 931 583 Authorizing the grading of Bay Street and the changing of its grade.
- 932 591 Establishing and opening Montgomery Street south.
- 943 592 To provide for the payment of certain bonds of Alameda County.
- 943 593 Quieting title to land in Yolo County.
- 943 594 Authorizing the construction of a sewer in San Francisco.
- 944 597 To enable railroad companies to complete their roads.
- 946 599 In relation to the police judge of San Luis Obispo. Superseded by incorporation, in 1884, under the Mun. Corp. Act of 1888.
- 947 601 To create a municipal court of appeals in San Francisco. Repealed by the constitution of 1879, abolishing the court.
- 949 607 Relating to warehouse and wharfinger receipts.
- 950 608 Fixing the compensation of sheriffs of Alameda County. Repealed by Co. Gov. Acts, see 1897:501, § 160.
- 951 609 For the relief of taxpayers whose lands have been sold to the state. Probably superseded by 1880:9, chap. 11, and by Pol. C. § 3780, as amended 1895:328.
- 953 611 In relation to the House of Correction of San Francisco. Repealed 1893:5.
- 955 612 Imposing a tax on certificates of stock in corporations. Repealed 1897:243.
- 958 619 To provide a sufficient number of deputies for the county assessor of Santa Cruz County. Repealed by the Co. Gov. Acts, see 1897:452.
- 959 620 To confer additional powers on the board of supervisors of San Francisco. Superseded by the charter of that city.
- 961 622 Closing part of Elm Street in San Francisco.
- 963 626 To authorize managers of orphan asylums to give their consent to the adoption of children. See C. C. § 234, amended 1895:39.
- 963 638 Authorizing supervisors of Amador County to declare a toll road.
- 964 629 In relation to certain streets in the town of Alameda.
- 966 633 To change the grade of certain streets in San Francisco.
- 967 635 To extend the jurisdiction of the park commissioners to a certain highway.
- 969 641 To create the office of commissioner of transportation, etc. Repealed by the constitution of 1879.
- 987 643 Creating Sacramento River drainage district.
- 998 646 Concerning roads and highways in Monterey County. Repealed 1883:5, chap. 10, sec. 2, and by the County Government Acts.
- 1003 652 Providing for the distribution of school moneys in Yolo County. Repealed Pol. C. § 1853.
- 1010 654 To attach a portion of Kings River Switch school district to Kingsbury school district.
- 1020 659 To prevent hogs and goats from running at large in Plymouth, Amador County. Probably repealed 1897:198.

PAGE CHAP.

1877-S—Continued.

- 1020 660 To authorize the transfer of certain funds in Sutter County.
- 1021 662 To provide for the election of supervisors in Mendocino County. Repealed by the Co. Gov. Acts, see 1897:452.
- 1022 664 To fix the salary of the clerk of the mayor of San Francisco. Superseded by charter of that city.
- 1024 665 To provide for the establishment and maintenance of roads in Napa County. Repealed 1883:5, chap. 10, sec. 2.
- 1037 670 To provide for the drainage of certain lands in the counties of Colusa and Yolo.
- 1046 672 For the funding of the bonded indebtedness of El Dorado County.
- 1050 673 To protect the public health from infection caused by the exhumation of human remains. Amended 1889:139.

1890.

- 2 4 To transfer records, etc., from the courts existing prior to 1879.
- 4 5 To continue in force school teachers' certificates.
- 5 7 In relation to deputies and assistants of county clerks. Superseded by Co. Gov. Act, 1897.
- 8 14 In relation to the currency of the United States.
- 9 17 Granting relief to taxpayers whose lands have been sold to the state. Probably superseded by Pol. C. § 3780, as amended 1895:328.
- 13 19 Appropriating money for support of orphans, half orphans, and abandoned children. Amended 1883:57.
- 15 20 To promote emigration from the state of California.
- 16 21 Authorizing boards of supervisors to fix water rates. Superseded by 1885:95.
- 19 24 To declare valid writs, processes, and certificates issued by the superior courts and the clerks thereof.
- 20 26 In relation to deputies, assistants, and copyists of county clerks. Amended 1891:5. Unconstitutional (San Francisco v. Broderick, 125 Cal. 188); superseded as to San Francisco by the charter of that city.
- 20 27 To provide for the receipt of donations to the state or counties.
- 21 28 Authorizing railways to make leases and other contracts.
- 22 29 To provide for the removal of Chinese. Probably unconstitutional.
- 22 30 To declare the Mokelumne River navigable. Superseded by Pol. C. § 2349.
- 23 31 To confer powers upon the superior court of each county.
- 23 32 Relating to the appointment of aliens to office.
- 27 40 To enable boards of supervisors to authorize the employment of deputies in certain cases. Repealed by the Co. Gov. Acts, see 1897:452.
- 30 42 To empower the trustees of levee district No. 1, Sutter County, to issue bonds.
- 36 45 For the better protection of fruit trees and vines. Superseded 1897:241.

PAGE CHAP.

1899—Continued.

- 39 51 To prohibit the issue of licenses to aliens not eligible to become electors. Unconstitutional (People v. Quong On Long, 6 Pac. Coast L. J. 192); see Pol. C. § 3666, as amended 1901:635.
- 48 57 To compel the operation of railroads.
- 44 58 To provide for the management of the Yosemite Valley and Mariposa Big Tree Grove. Amended 1885:212.
- 45 59 Concerning the powers of the railroad commissioners.
- 49 60 Providing for the management and control of the state agricultural society.
- 52 62 For the promotion of the viticultural industries of the state. Enlarged 1881:51; 1885:9; all but sections 8 and 9 repealed 1895:235, chap. 189.
- 55 63 To protect lands not recognized as swamp lands, from overflow. Unconstitutional in some respects (Hutson v. Protection District, 79 Cal. 90); amended 1889:366; probably superseded by 1895:247.
- 61 66 To confer powers on supervisors of cities and counties containing more than one hundred thousand inhabitants. Superseded by charter of San Francisco.
- 62 69 To form agricultural districts, etc. Amended 1883:30; 1885:39, 126; 1887:80; 1889:78; and partly, if not wholly, repealed by 1891:128; 1895:14.
- 67 71 To define, regulate, and govern the state prison of California. Amended 1881:79; superseded by 1889:404, chap. 264.
- 77 75 Relating to the intoxication of officers.
- 80 83 To prohibit the sale of intoxicating liquors in the state capitol.
- 80 84 To regulate and provide for a day of rest in certain cases. Unconstitutional (Ex parte Westerfield, 55 Cal. 550).
- 82 87 For the relief of insolvent debtors. Amended 1891:511; 1893:45; repealed 1895:131.
- 99 88 To provide for additional judge in Mono County. Repealed 1883:62.
- 100 90 To empower consolidated cities and counties to make alterations in county prisons. Superseded by charter of San Francisco.
- 102 93 Authorizing boards of supervisors to pay expenses of posse comitatus in criminal cases.
- 102 94 To regulate the sale of certain poisonous substances.
- 104 96 To provide for removal of obstructions in Pitt River.
- 106 99 Providing for the appointment of an additional notary public in San Francisco. Superseded by Pol. C. § 791.
- 106 100 For the protection of certain kinds of fish. Expired in 1882.
- 114 103 Empowering cities and counties to pay for rent of court-rooms. Superseded by charter of San Francisco.
- 115 105 Establishment and maintenance of a mining bureau. Repealed 1893:207.
- 119 109 To provide for appeals from orders forming reclamation or swamp land districts. Superseded by 1893:174.

PAGE CHAP.

1880--Continued.

- 131 114 To provide for the construction, maintenance, and operation of fishways.
- 123 116 Prohibiting aliens from fishing in the waters of the state. Unconstitutional (In re Ah Chong, 5 Pac. Coast L. J. 451).
- 123 117 To promote drainage. Unconstitutional (People v. Parks, 58 Cal. 624).
- 131 118 Further protection of stockholders in mining corporations. Amended 1897:96.
- 132 119 To provide for the further extension of the waterfront line of San Francisco.
- 133 120 Authorizing boards of supervisors to transfer certain funds. Superseded by subd. 18, sec. 25, 1897:463.
- 136 123 To declare the Klamath River navigable. Repealed 1891:10.
- 136 123 To prescribe the form of complaint in actions to recover delinquent taxes. Repealed in part by Pol. C. § 3670, as amended 1883:65 (San Diego v. Southern Pacific R. Co., 108 Cal. 46).
- 137 124 To provide for the organization of cities and counties of more than one hundred thousand inhabitants. Unconstitutional (Desmond v. Dunn, 55 Cal. 242).
- 231 126 To establish free public libraries and reading-rooms. Repealed 1901:557.

1881.

- 2 3 To authorize the several counties, cities, and towns to receive gifts.
- 3 4 Authorizing a conveyance to William Scholle.
- 9 13 Providing for the appointment of a deputy supreme court reporter.
- 14 20 To prevent fraud and deception in the manufacture and sale of butter and cheese. Superseded by 1895:41; 1897:65.
- 15 21 To provide a system of drainage for agricultural swamp and overflowed lands. Amended 1897:220; unconstitutional (Vickey v. Stearns Rancho Co., 126 Cal. 151).
- 20 24 To provide an additional judge for Alameda County.
- 24 33 Concerning the medical department of the University of California.
- 25 34 Authorizing boards of supervisors to grant franchises for constructing booms. Superseded by subd. 25, sec. 25, Co. Gov. Act, 1897:466; repealed 1901:265, chap. 103.
- 25 35 To appoint commissioners for the pueblo of Sonoma.
- 26 36 To allow unincorporated cities and towns to equip and maintain a fire department. Amended 1899:69, chap. 59.
- 50 50 To appropriate money to reimburse the University of California. Repealed 1893:77.
- 51 51 To define and enlarge the powers and duties of the state viticultural commissioners. Enlarged 1885:9; repealed 1895:235; unconstitutional in part (Ex parte Cox, 63 Cal. 21).

PAGE CHAP.

1881--Continued.

- 54 52 To enable boards of supervisors and other legislative bodies to perform the duties prescribed by sec. 1, art. XIV, of the constitution. Unconstitutional in part (Fitch v. Supervisors, 122 Cal. 285).
- 65 55 To enable purchasers of state lands to redeem them.
- 68 59 To facilitate equalization of assessments in reclamation districts.
- 74 64 To create an additional police judge's court in San Francisco. Superseded by chap. 3 of art. IV of the charter of San Francisco.
- 76 67 To confer power upon supervisors to complete sewers. Superseded by Co. Gov. Act and the charter of San Francisco.
- 76 68 To provide for bridges across navigable waters. As to repairing or reconstructing, see 1897:31, chap. 25.
- 81 72 To provide a state hospital for miners.
- 86 75 To protect and promote the horticultural interests of the state. Amended 1889:418; 1891:268; repealed 1897:244.

1883.

- 20 11 To prevent the sale of oleomargarine as butter. Probably repealed by 1895:41 and 1897:65.
- 24 17 To provide for the classification of municipal corporations. Amended 1897:218, 421; 1899:141; 1901:94.
- 27 21 To establish and support a bureau of labor statistics. Amended 1889:6; 1901:12.
- 32 24 To provide for the improvement of streets, etc. Repealed 1885:165.
- 53 29 To provide for the submission of amendments to the constitution. Repealed 1899:24.
- 54 30 To provide for the better control of the funds of the University of California. Unconstitutional (People v. Kewen, 69 Cal. 215).
- 55 31 Appropriation for support of indigent persons residing in Veterans' Home. Amended 1887:6; 1893:214; 1899:147; 1901:275.
- 58 34 To divide the state into senatorial districts. Repealed 1891:71, chap. 81.
- 63 37 Fixing the jurisdiction of justices of the peace in cities and towns. Superseded by C. C. P. § 103, as amended 1901:100.
- 85 47 To divide the state into assembly districts. Repealed 1891:71, chap. 81.
- 93 49 To provide for the organization of municipal corporations. Amended 1885:127, 134; 1887:12; 1889:371, 389; 1891:21, 28, 54, 55, 114, 232; 1893:299; 1895:24, 159, 266; 1897:89, 175, 183, 196, 403; 1899:98; 1901:12, 18, 70, 269, 293, 656; 1903:40, 93, 135, 336. Unconstitutional as to the provisions in § 756, requiring courts to take judicial notice of ordinances (City of Tulare v. Hevren, 126 Cal. 226).
- 280 51 To protect the public health.

PAGE CHAP.

1882--Continued.

- 285 58 Authorizing boards of supervisors to appoint inspectors of apiaries. Repealed 1901:13.
- 287 60 Authorizing the governor to reconvey lands to the United States.
- 289 62 To establish a state board of horticulture. Amended 1885:4; 1889:3, 39; repealed 1903:524.
- 295 70 Authorizing cities to maintain drawbridges.
- 296 72 To divide the state into congressional districts. Repealed 1891:34, chap. 84.
- 298 74 To provide for disposal of moneys after building school buildings.
- 299 75 To establish a uniform system of county governments. Amended 1885:125, 166, 195; 1887:163, 178; 1889:232; repealed by Co. Gov. Act, 1891:295, chap. 216.
- 366 77 To grant powers to boards of health in cities and counties.
- 368 79 To encourage destruction of wild animals. Superseded by subd. 26, sec. 25, Co. Gov. Act, 1897:465.
- 369 81 To establish a state board of silk culture. Superseded 1885:216.
- 370 82 To authorize the governing bodies of cities and towns to refund indebtedness. Amended 1893:57; 1895:203; repealed 1897:75. Unconstitutional in part (*Los Angeles v. Teed*, 112 Cal. 319).
- 375 89 Providing for submitting to the qualified electors a proposed issue of bonds. Superseded by § 25 of Co. Gov. Act of 1897, and as to San Francisco by its charter.
- 376 90 To prevent the introduction of contagious or infectious diseases. See Pol. C. § 2979a.
- 380 96 Appropriation for support of aged persons in indigent circumstances. Repealed 1895:23.

1884.

- 8 8 To provide for funding the indebtedness in counties. Superseded by subd. 13, sec. 25, 1897:460.

1885.

- 6 8 To provide for printing state series of school books. Amended 1887:145; 1891:453.
- 9 10 To enlarge the duties of the board of state viticultural commissioners. Repealed 1895:235.
- 10 11 To create a state board of forestry. Repealed 1893:229.
- 12 14 To grant boards of health and health officers power to regulate plumbing. Amended 1887:58.
- 13 15 To require the payment of certain insurance premiums to cities and counties. Amended 1887:15; unconstitutional (*San Francisco v. Insurance Co.* 74 Cal. 113).
- 18 19 Appropriating money for the establishment and management of the Industrial Home of Mechanical Trades for the Adult Blind. Superseded 1887:160, chap. 148.
- 25 21 To provide a public morgue in San Francisco. Superseded by chap. 6 of art. IV, and subd. 9 of chap. 2 of art. I of the charter of San Francisco.

PAGE CHAP.

1885—Continued.

- 31 27 Ratifying incorporation of municipal corporations.
- 31 28 Authorizing fish commissioners to build and maintain a hatchery.
- 32 30 To provide for the future management of the state asylums for the insane. Modified, if not repealed, by 1889:329, chap. 220, and both modified, if not repealed by the lunacy commission act, 1897:311.
- 34 31 To provide for commitments to the house of correction. Superseded 1889:111, chap. 108.; 1889:100, chap. 103.
- 35 22 To prevent the overcrowding of asylums for the insane. Superseded by the lunacy commission act, 1897:311.
- 35 23 To provide an additional asylum for chronic insane. Amended 1889:130. Superseded by the lunacy commission act, 1897:311.
- 38 34 Authorizing commissioners of public parks to accept donations.
- 40 36 To prevent the spreading of fruit and fruit-tree pests. Superseded 1899:91, chap. 76.
- 42 37 To authorize municipal corporations of the first class to obtain public waterworks. Repealed 1889:399.
- 43 38 To provide for analyzing minerals, mineral waters and other liquids, and medicinal plants.
- 45 39 Regulating the height of division and partition fences in cities. Fences wholly on the land of their owner excluded therefrom. (Western, etc., Co. v. Knickerbocker, 103 Cal. 111).
- 49 47 To advance learning, etc., and creating trusts for the endowment of schools and colleges. Amended 1891:454. Supplemented 1903:140.
- 53 48 Appropriation for the establishment of a fund for the purchase of fute.
- 55 52 To legalize certain acknowledgments.
- 77 102 To subject certain reclamation districts to the provisions of the Political Code.
- 95 116 To regulate and control the sale, rental, and distribution of water. Amended 1897:49; 1901:80.
- 103 124 To authorize the appointment of an interpreter of the Italian languages in cities of one hundred thousand inhabitants. Amended 1895:37. Superseded as to San Francisco by chap. 1 of art. V of the charter of that city.
- 109 125 To secure wages of persons employed as laborers on threshing machines.
- 110 127 To insure better education of practitioners of dentistry. Amended 1893:70; repealed 1901:564.
- 114 131 To facilitate the giving of bonds required by law.
- 126 136 To compensate sheriffs for conveying prisoners. Amended 1889:200.
- 136 147 To enable municipal corporations of the sixth class to elect officers.
- 139 149 To change and permanently locate the boundary line between Kern and San Luis Obispo counties.

PAGE CHAP.

1885—Continued.

- 147 153 To provide for work upon streets, lanes, alleys, etc. Amended 1887:148; 1889:157; 1891:116, 196, 461; 1893:38, 89, 172; 1899:23; 1903:88.
- 199 156 To establish the California Home for the Care and Training of Feeble-Minded Children. Repealed 1887:73.
- 204 158 To promote drainage. Amended 1891:262.
- 211 162 Authorizing any board of supervisors to refund the bonded indebtedness. Superseded by subd. 13, sec. 25, 1897:460.
- 213 164 To provide for police courts in cities having more than thirty and less than one hundred thousand inhabitants. Amended 1891:292; 1893:41; 1895:113.
- 216 165 To establish a state board of silk culture.
- 217 166 Supplemental to act providing for mining bureau. Repealed 1893:207.

1887.

- 1 2 To increase the number of judges of the superior court of Los Angeles County.
- 2 3 To provide for the permanent support and improvement of the University of California.
- 5 9 Concerning the payment of costs of trials of persons charged with violation of the laws for the preservation of fish. Amended 1903:20.
- 15 18 To require payment of certain insurance premiums to counties and cities and counties. Unconstitutional (San Francisco v. Insurance Co., 74 Cal. 113.)
- 17 21 To prevent fraud and imposition in the matter of stamping and labeling produce and manufactured goods.
- 19 24 To provide an additional judge for San Bernardino County.
- 26 32 To provide for the endowment of libraries, museums, etc.
- 39 34 To provide for the organization and government of irrigation districts. Amended 1889:15; 1891:142, 147, 244; 1893:175, 516; 1897:241; 1899:2; supplemented 1889:18, 21, 212; 1893:276, 520; 1895:127, 174; 1897:254, 394; repealed 1897:254.
- 46 35 To enlarge the powers of the state board of forestry. The statute of 1893:229, chap. 187, in its title purports to repeal this statute, but the body of the act contains no repealing provision.
- 46 36 To prohibit the sophistication and adulteration of wine.
- 51 39 An act exempting mayors of cities of more than one hundred thousand inhabitants from acting as police judges, etc.
- 52 41 To authorize a levy of taxes for the maintenance of public parks.
- 57 48 To increase the number of superior judges of Fresno County.
- 59 51 To grant to the United States certain lands at Humboldt Bay.

PAGE CHAP.

1897—Continued.

- 69 53 To establish a branch state normal school in northern California.
- 69 57 To provide for the government of the California Home for the Care and Training of Feeble-Minded Children. Amended 1889:155; supplemented 1897:2, 251, chap. 188; 1901:795.
- 74 60 To provide for the removal of the mineral cabinet from the state library.
- 81 72 Authorizing county clerks to take affidavits in pension cases.
- 82 74 To prevent persons from unlawfully wearing badge of Grand Army of the Republic.
- 95 82 To provide for the completion of unfinished county, city, and township buildings. Amended 1891:83; 1893:126; 1895:166.
- 110 95 To protect life and property against the careless and malicious use of explosives.
- 120 104 Authorizing the incurring of indebtedness by cities and towns. Amended 1889:14; repealed 1889:402.
- 139 122 To provide for compiling and publishing state school books.
- 147 128 For the better protection of settlers on the public lands.
- 150 133 To validate proceedings for the reorganization of municipal corporations.
- 160 148 Establishing an Industrial Home of Mechanical Trades for the Adult Blind. Amended 1889:147.
- 233 180 To regulate the vocation of fishing, etc.

1889.

- 3 5 To provide for the proper sanitary condition of factories and workshops. Amended 1901:571; 1903:16; declared unconstitutional (*Schaeslein v. Cabaniss*, 185 Cal. 466).
- 4 7 To regulate the hours of labor and employment of minors. Probably superseded by 1901:681.
- 5 8 To increase the number of superior judges in San Diego County.
- 13 16 To provide for the appointment of supreme court commissioners. Superseded 1893:1.
- 21 21 Supplemental to 1887:29, for organization of irrigation districts. Amended 1898:516.
- 25 23 To establish a branch insane asylum at Ukiah. Superseded by the lunacy commission act, 1897:311.
- 32 24 To encourage and provide for general vaccination.
- 37 30 To provide for the funding indebtedness of the several counties of the state. Superseded by § 25, Co. Gov. Act, 1897:457.
- 38 31 To provide for the correction and establishment of the eastern boundary of the state. Perhaps obsolete, for it provided the work was to be done in one year.
- 56 62 Creating police relief, health, life insurance, and pension fund. Amended 1891:287, 469; 1897:52.

PAGE CHAP.

1889—Continued.

- 62 66 To create a police court in San Francisco. Supple-
mented 1893:9; superseded by the charter of that
city, chap. 8, art. V.
- 70 76 To provide for laying out, opening, extending, widening,
straightening, or closing up streets, etc.
- 85 81 Authorizing boards of supervisors to declare innavigable
streams highways. Repealed by § 25, Co. Gov. Act,
1897:457.
- 94 89 To ratify a conveyance of certain property by cities of
less than fifty thousand inhabitants.
- 100 103 To establish the Preston School of Industry. Amended
1893:39.
- 106 104 Appropriation for supplying water, light, and fuel for
the state insane asylum at Stockton. Repealed 1889:
225.
- 107 105 Directing the transcription of matters of record from
Fresno and Merced counties to San Benito County.
- 108 106 Authorizing boards of supervisors to provide pensions
for the relief of aged, infirm, and disabled firemen.
Amended 1901:575.
- 111 108 To establish the Whittier Reform School. Amended
1893:328.
- 120 109 To provide for the erection of a state hospital for the
insane in southern California. Amended 1891:481;
1890:207; superseded by the lunacy commission act,
1897:311.
- 123 110 To create the county of Orange.
- 130 112 To increase the number of superior judges in Los An-
geles County.
- 143 135 To provide for the maintenance and support of public
parks. Amended 1893:79, 343.
- 198 161 To provide for the burial of ex-union soldiers, sailors,
and marines. Supplemented 1901:596.
- 201 166 To grant certain tide lands to the United States.
- 202 168 For the protection of the owners of ditches and flumes.
- 203 169 To validate proceedings for the reorganization of muni-
cipal corporations. To like effect, 1891:92.
- 205 172 To prevent capture and destruction of blue cranes.
- 206 173 To provide for building and furnishing the home for
soldiers' widows, orphans, and army nurses. Amend-
ed 1891:428.
- 214 180 To establish a police court in Marysville.
- 216 182 To authorize boards of supervisors to appoint sheep
commissioners.
- 228 199 To provide for the revision of the records of the Cali-
fornia volunteers.
- 229 202 Granting to the regents of the University of California
certain lands.
- 303 208 To increase the number of clerks in the office of the
state treasurer. Repealed 1895:38.
- 304 210 To authorize state board of fish commissioners to import
game birds.

PAGE CHAP.

1889—Continued.

- 827 212 To provide for compiling, copyrighting, and printing elementary book on civil government.
- 329 220 To provide for the maintenance, support, and discharge in certain cases of insane persons confined in the state asylums. Probably superseded by the lunacy commission act, 1897:311.
- 333 222 Reducing the number of superior judges in San Luis Obispo County.
- 348 237 Authorizing the several counties of the state to create a funded indebtedness. Superseded by § 25, Co. Gov. Act, 1897:466.
- 352 241 To prevent the sale of intoxicating liquors to persons addicted to the inordinate use thereof.
- 356 246 To provide for changing the boundaries of municipal corporations, and to exclude territory therefrom. Superseded in part, at least, by 1889:433, chap. 280.
- 358 247 To provide for altering the boundaries of municipal corporations and the adding of territory thereto. See also 1889:433; 1899:41.
- 361 248 To enable incorporated cities and towns to acquire and maintain parks.
- 375 252 To regulate quarantine, and the admission of horses, cattle, sheep, and swine into the state.
- 388 257 To authorize the board of state harbor commissioners to construct railroads over state lands and along the water front of San Francisco. Superseded by Pol. C. § 2524.
- 399 261 To authorize the incurring of indebtedness by municipal corporations for the construction of waterworks, sewers, etc. Amended 1891:84, 94, 132; 1893:61. This latter amendment attempted to be repealed by 1897:75, chap. 87, but such repeal declared unconstitutional in *City of Los Angeles v. Hance*, 122 Cal. 78.
- 404 264 To regulate and govern the state prisons.
- 416 267 To provide for the appointment of pilots at the port of Wilmington and the bay of San Pedro.
- 418 268 To recognize the Veterans' Home at Yountville as a state home.
- 419 269 To provide for the erection at San Quentin of a building to accommodate insane prisoners. Repealed 1893:148.
- 420 272 To provide for the appointment of an examining commissioner on rivers and harbors.
- 428 278 Respecting payment in full by holders of certificates of purchase of lands sold prior to March 27, 1872.
- 433 280 To provide for changing the boundaries of cities and municipal corporations, and to exclude territory therefrom.
- 434 281 To provide for applications for the purchase of sixteenth and thirty-sixth sections.
- 451 289 To provide for a keeper of archives and define his duties.

PAGE CHAP.

1891.

- 1 1 Authorising the appointment of a stenographer for the governor.
- 4 6 Providing for the levy and collection of taxes for school districts, except in municipal corporations of the first class. Modified, perhaps repealed, by Pol. C. §§ 1830 and 1836, as amended 1893:263.
- 8 12 Authorising cities of not less than twenty-six nor more than thirty thousand inhabitants to vote upon the question of paying indebtedness. Unconstitutional (Darcy v. Mayor, 104 Cal. 642; Ex parte Giambonini, 117 Cal. 573; Pasadena v. Stimson, 91 Cal. 238).
- 10 15 To increase the police force of various cities, cities and counties.
- 12 19 To ratify ordinances passed by the governing bodies of municipal corporations, giving permission to propel cars.
- 20 33 To legalize certain acknowledgments. Superseded 1897: 29, chap. 32.
- 21 34 In relation to district attorneys in cities and counties, and counties having a population of more than one hundred and twenty-five thousand. Unconstitutional (Darcy v. Mayor, 104 Cal. 642; Ex parte Giambonini, 112 Cal. 574); superseded by Co. Gov. Act, 1897, and by charter of San Francisco.
- 22 36 To provide for the levy and collection of taxes by municipal corporations other than those of the first, second, third, and fourth classes operating under a charter.
- 25 39 To provide for the acquisition of Sutter's fort and appointing trustees therefor.
- 27 42 To provide penalties for failure to pay tolls.
- 30 46 To provide for the organization of levee districts. Repealed 1893:111.
- 46 47 To regulate the sale of olive oil. Repealed 1893:210.
- 47 49 Requiring boards of commissioners having control of the police force to grant yearly vacations.
- 49 51 To provide for a state board of arbitration to settle disputes between employers and employees.
- 53 57 To provide for redemption of property sold to irrigation districts for delinquent assessments.
- 56 60 Concerning costs in civil actions for serving summonses and subpoenas.
- 57 63 To authorize the establishment of county high schools. Repealed 1893:276.
- 61 68 To increase the number of superior judges in Tulare County.
- 70 73 Relative to the non-insurance of property belonging to the state.
- 71 81 To divide the state into legislative districts. Superseded 1901:535, chap. 194.
- 84 84 To divide the state into congressional districts. Superseded 1901:548, chap. 195.

PAGE	CHAP.	1891--Continued.
86	85	Regulating the practice of pharmacy. Amended 1892:68; repealed 1901:304.
90	86	Creating a lien in favor of owners of stallions, jacks, and bulls.
91	87	To prevent the sale of intoxicating liquors to minors.
92	88	To validate proceedings for the reorganization of municipal corporations.
95	91	To provide for furnishing assistants to city and city and county attorneys. Superseded as to San Francisco by chap. 2 of art. V of its charter.
98	94	To create the county of Glenn. Amended 1893:158.
102	96	Authorizing incorporated cities to acquire by purchase, gift, or condemnation, water, water rights, reservoir sites, etc.
107	106	Giving consent of the state to reservation of certain lands by congress.
110	111	To provide for the issuing and sale of state bonds to create a fund for the use of the state board of harbor commissioners.
126	116	Relating to life, health, accident, and annuity or endowment insurance on the assessment plan.
133	120	Authorizing the sale of the buildings and sites of the California Home for the Care and Training of Feeble-Minded Children.
138	126	To form agricultural districts, and provide for the management and control of the same. Amended 1893:282; 1895:14, 100.
182	137	For the establishment of high schools. Unconstitutional (McCabe v. Carpenter, 102 Cal. 469); repealed 1893:276.
184	138	To authorize directors of the Veterans' Home Association to exchange certain lands.
185	140	To prohibit the coming of Chinese into the state. Unconstitutional (Ex parte Ah Cue, 101 Cal. 197).
194	145	To authorize Robert C. Ball to sue the state.
195	146	To provide for the payment of wages of mechanics and laborers employed by corporations. Unconstitutional (Slocum v. Bear Valley Irrigation Co., 122 Cal. 555).
209	148	Creating the office of attorney for the state board of health at San Francisco.
210	149	To provide for the payment of the funded indebtedness of the state, and to contract a funded debt for that purpose.
217	154	To protect owners of bottles, boxes, siphons, and kegs used in the sale of soda waters, etc. Amended 1903:83.
219	155	Relating to working, rights of way, easement, and drainage of mines.
221	157	To determine what lands of the state are swamp and overflowed.
223	161	To provide for the formation of sanitary districts. Amended 1893:88; 1895:85; but this amendment declared unconstitutional (In re Werner, 129 Cal. 567); also amended 1901:633; 1903:121.

PAGE	CHAP.	1891—Continued.
235	164	To provide for funding the indebtedness of levee district No. 6, Sutter County.
237	165	Authorizing the treasurer and controller to transfer certain moneys.
237	166	To define the boundaries and provide for the government of levee district No. 6, Sutter County.
243	169	Providing for the payment of moneys in the state treasury to the credit of the swamp land fund.
251	173	Authorizing the governor and surveyor-general to sell and convey certain lands.
253	175	Authorizing the board of fish commissioners to purchase land.
253	176	To establish a naval battalion. Repealed 1893:63.
261	179	To extend the jurisdiction of the harbor commissioners. Superseded by Pol. C. § 2524, as amended 1901:620.
262	181	Ceding jurisdiction over certain lands to the United States.
263	183	To declare the bridge across the Feather River at Marysville a free bridge.
264	185	To enable cities of the fifth class to issue bonds for the purchase of school-house lots, etc. Repealed 1893:295.
270	189	Authorizing the board of harbor commissioners to rectify the alignment of East Street.
271	190	Providing for the dissolution and winding up of savings banks, trust companies, etc.
279	197	To authorize the controller and treasurer to transfer certain funds.
280	198	Fixing a bounty on coyote scalps. Repealed 1895:1.
280	199	To provide a salary for the keeper of the archives in the office of secretary of state.
283	205	To encourage the cultivation of ramie. Unconstitutional (Murray v. Colgan, 94 Cal. 435).
285	206	To prevent the placing, keeping, or leaving of married women in houses of prostitution.
289	212	To give a preference in public service to ex-union soldiers, sailors, and marines.
294	215	To provide for the payment of certain lost warrants.
295	216	To establish a uniform system of county and township government. Amended 1893:310; repealed 1897:452. Various parts held unconstitutional (People v. Johnson, 95 Cal. 471; Welch v. Bramlet, 98 Cal. 219; Bloss v. Lewis, 109 Cal. 493).
424	219	To provide for the appointment of a guardian for Marshall monument and grounds.
430	225	To establish law libraries. Amended 1895:46.
433	226	To provide for police courts in cities having a population of fifteen thousand and under eighteen thousand inhabitants. Unconstitutional (Ex parte Giambonini, 117 Cal. 573).
450	231	Appropriation for the benefit of the sufferers of the Tia Juana flood. Unconstitutional (Patty v. Colgan, 97 Cal. 251).

PAGE CHAP.

1891--Continued.

- 452 235 Authorizing state board of examiners to sell old furniture and material.
- 452 236 Fixing the rate of tare on baled hops.
- 454 238 To provide for the publication of a blue book or roster. Superseded 1893:218.
- 458 243 Expressing the assent of the state to the act of congress of August 30, 1890.
- 473 253 To prevent the destruction by fire of the property of contiguous owners.
- 478 255 To define the duties of and to license land surveyors. Amended 1903:267.
- 487 263 To establish a standard of weights and measures. Of doubtful constitutionality; and has never been acted under. (Condict v. Police Court, 59 Cal. 278; sec. 14, art. XI, State Const.; subd. 5, sec. 8, art. I, Const. of U. S.)
- 490 264 Authorizing certain corporations to act as executors and in other capacities. Amended 1897:424; 1903:244.
- 513 279 Appropriation to pay the claim of A. J. Bourn. Unconstitutional (Bourn v. Hart, 93 Cal. 321).
- 513 280 For the payment of John J. Conlin. Unconstitutional (Conlin v. Supervisors, 99 Cal. 17).

1892.

- 1 1 Providing for the appointment of supreme court commissioners and their secretary. Continued 1897:47, chap. 52; 1899:11; 1901:278.
- 3 5 Providing for an additional judge for Alameda County.
- 5 8 To abolish fees or commissions paid by the state for collection of ad valorem taxes.
- 6 9 Authorizing controller and treasurer to transfer certain moneys to the general fund.
- 12 16 To promote the purity of elections. Amended 1895:227. Unconstitutional, in so far as it requires an oath of a successful candidate for office, in addition to that prescribed by the constitution (Bradley v. Clark, 133 Cal. 196).
- 29 17 Limiting the time for granting franchises for the construction, extension, or operation of street railroads. Superseded 1897:185.
- 30 19 To prevent combinations to obstruct the sale of livestock.
- 33 21 To provide a system of street improvement bonds. Amended 1899:40. Unconstitutional, in so far as it undertakes to make the bond conclusive evidence (Ramish v. Hartwell, 126 Cal. 443).
- 42 24 To declare certain tide lands public grounds and granting the same to San Mateo County.
- 44 27 Requiring street railroad corporations to allow United States mail carriers to ride free of charge.
- 46 30 Fixing the salary of the janitor of the state capitol.
- 49 36 To provide for the redemption and the payment of certain funded debt bonds of the state.

PAGE CHAP.

1888--Continued.

- 54 41 To provide for a day of rest from labor.
- 54 42 Fixing the price and conditions of sale at which jute goods shall be sold by the state.
- 57 45 To authorize suits against the state, and regulating the procedure therein. See *Molineux v. State*, 109 Cal. 378.
- 62 49 To establish a naval battalion. Modified, if not superseded, by Pol. C. § 1962, as amended 1901:532.
- 75 65 To provide for the payment of interest on the outstanding bonds of the state held in trust for the university fund and the state school fund. Amended 1899:93.
- 82 74 To establish a uniform system of mine bell signals.
- 85 76 To provide for the revision of certain books of the state series of school text-books.
- 96 80 Requiring the recording of maps of cities and towns and of subdivisions thereof. Amended 1901:288.
- 101 88 To prohibit prize fighting. Superseded by Pen. C. § 412, as amended 1899:153, chap. 121.
- 102 91 Empowering the governor to execute a quitclaim deed to the successors in interest of Sallie C. Perry.
- 109 93 Authorizing the allowance, settlement, and payment of claims of counties against the state.
- 121 105 Granting right of way and station grounds to the Southern California Railway Company over a portion of the asylum grounds in San Bernardino County.
- 123 106 Authorizing the acquisition by donation of sites for camps of instruction for the National Guard. Probably repealed, 1899:65.
- 125 109 For the appointment of an additional judge for Fresno County.
- 127 112 To regulate the manner of receiving and paying fees, commissions, etc., in cities and cities and counties having a population of over one hundred thousand inhabitants. Amended 1895:164. Unconstitutional (*Rauer v. Williams*, 118 Cal. 401).
- 132 115. To authorize the justices of the supreme court to appoint a librarian for said court.
- 151 137 To prevent the sale of short-weight rolls of butter.
- 151 138 Empowering the governor to execute a quitclaim deed to the successors in interest of James Bowman.
- 153 140 Providing for the planting and care of shade trees in municipalities.
- 158 141 To change and permanently locate the boundary lines between the counties of Glenn and Colusa.
- 158 142 To create the county of Riverside.
- 168 143 To create the county of Madera. Unconstitutional in part (*People v. Markham*, 104 Cal. 232).
- 174 147 Providing for appeals from orders for the formation of reclamation districts.
- 176 150 To create the county of Kings.
- 181 151 To provide for the presentation and cancellation of unlocated school land warrants.

STATUTES REMAINING IN FORCE.

1889

PAGE	CHAP.	1888--Continued.
183	153	To establish board of parole commissioners. Amended 1901:82.
183	154	To compel savings banks to publish a sworn statement of unclaimed deposits.
190	165	To provide for furnishing assistants to coroners in cities and cities and counties having one hundred thousand or more inhabitants. As to San Francisco, superseded by charter.
193	168	Establishing a tax on collateral inheritances. Amended 1895:33; 1897:77; 1899:101; 1903:55, 268. The amendment of 1897 was unconstitutional (Estate of Mahoney, 133 Cal. 180).
203	172	To provide for the appointment of guardians of children in orphan asylums.
203	173	To provide for the establishment of the state mining bureau. Amended 1903:113.
208	175	Relating to the operation of railroads.
210	177	To regulate the sale of imitation olive oil.
217	182	To prevent compulsory prostitution of women.
218	183	To provide for the publication of the state blue book or roster.
218	184	Authorizing the appointment of trustees for the estates of missing persons.
220	185	Making it unlawful to refuse admission to places of amusement.
220	186	To provide for laying out, opening, etc., streets in municipalities of forty thousand or over. Probably unconstitutional (Darcy v. Mayor of San Jose, 104 Cal. 642; Pasadena v. Stimson, 91 Cal. 268).
229	188	Creating a board of commissioners of building and loan associations. Amended 1895:103.
234	190	Providing for the removal of human remains from cemeteries. Amended 1895:157.
235	191	Regulating the disposition of cattle killed or slaughtered in the state.
235	192	To provide for the transfer of certain moneys from one county to another.
277	195	Granting to board of supervisors of Sonoma County right of way through the lands of the California Home for the Care and Training of Feeble-Minded Children.
280	197	Providing for the compensation of chief and captain of police in cities having not less than ten thousand nor more than twenty-five thousand inhabitants. Unconstitutional (Darcy v. Mayor of San Jose, 104 Cal. 642).
282	199	Relating to treasurers, their deputies and clerks in counties, and cities and counties, having a population of two hundred thousand or over. Superseded as to San Francisco by the charter of that city.
285	201	To prohibit the creation of debts against the state in excess of appropriations made by law.
286	203	To regulate the practice of veterinary medicine and surgery. Amended 1903:258.

PAGE. CHAP.

1902—Continued.

- 238 204 Providing for the sale of railroad and other franchises in municipalities. Amended 1897:176; superseded by 1901:265.
- 290 207 In relation to the reassessment of property.
- 292 210 To enable school districts in cities of the fifth class to issue bonds to purchase school lots. Amended 1897:103.
- 295 211 To provide for the leasing and disposition of water by irrigation districts. See statute of 1897:254.
- 302 219 To prevent the spread of contagious and infectious diseases among domestic animals.
- 339 228 To provide for the appointment, duties, and compensation of a debris commissioner. Amended 1897:169; 1901:284, 564; § 6 repealed 1901:564.
- 341 229 Regulating the sale of lands uncovered by the recession or drainage of the waters of inland lakes. Amended 1899:182.
- 345 332 Creating a commissioner of public works. Amended 1897:26; repealed 1899:157; 1900:20.
- 346 234 To establish a uniform system of county and township governments. Amended 1895:1; repealed 1897:452. Unconstitutional in part (*Hale v. McGettigan*, 114 Cal. 112).
- 536 244 Providing for the adjustment, settlement, and payment of indebtedness existing against a city or municipal corporation at the time of the exclusion of territory therefrom.

1895.

- 24 14 To reduce the number of superior judges in San Diego County.
- 26 17 Authorizing the state treasurer to pay over to the treasurer of the Veterans' Home Association certain moneys.
- 27 19 To provide an additional judge for Humboldt County.
- 41 38 To prevent deception in the manufacture and sale of butter. Repealed in effect 1897:65.
- 45 39 Authorizing the state board of health to manufacture and purchase diphtheria anti-toxine.
- 48 44 To provide an additional judge for Sacramento County.
- 52 51 Providing for the appointment by the coroner in counties of the first class of a physician.
- 55 54 To provide an additional watchman for the state treasurer. Purports to amend statute of 1868:554, chap. 431, which statute was, however, superseded by Pol. C. § 457.
- 56 59 For the appointment of a guardian of Sutter's Fort.
- 65 69 To provide the office of the attorney-general with law books.
- 67 71 Authorizing the appointment of an additional clerk by the controller. Repealed 1899:146.
- 71 76 To provide against the adulteration of food and drugs.
- 75 81 To provide the manner of execution of deeds by cemetery corporations.

PAGE CHAP.

1895--Continued.

- 76 84 Authorizing boards or commissions having the management of paid fire departments to grant yearly vacations to members thereof. Amended and supplemented 1899:87.
- 79 89 To authorize the board of state harbor commissioners to institute condemnation proceedings against certain property in San Francisco.
- 90 99 To establish a police court in and for the city of Eureka. Superseded by charter 1895:378.
- 92 102 To prevent evil-disposed persons from coming upon the grounds of the Whittier State School or the Preston School of Industry.
- 94 104 To prevent the sale of imitation or adulterated honey. Superseded 1897:12.
- 95 106 To promote the protection of cities, towns, and municipal corporations from overflow by water.
- 98 107 Authorizing judges of superior courts in counties, cities and counties, having a population of two hundred thousand or over, to appoint a secretary.
- 107 115 To create an exempt firemen's relief fund. Unconstitutional (Taylor v. Mott, 123 Cal. 497); superseded 1901:101.
- 109 116 Authorizing the trustees of Auburn to remove a cemetery.
- 115 125 To provide for the disincorporation of municipal corporations of the sixth class. Amended 1897:17; 1899:12.
- 119 128 To authorize the state to secure the title to right of way of a wagon road situate between Smith's Flat, El Dorado County, and Lake Tahoe. Superseded 1897:889.
- 122 131 Relating to commitments to the Whittier State School and the Preston School of Industry.
- 128 133 To reduce the number of judges of the superior court of Tulare County.
- 128 139 Providing for the changing of the fiscal year of cities operating under a charter.
- 131 143 For the relief of insolvent debtors. Amended 1897:35.
- 156 148 To reduce the number of judges of the superior court of Fresno County.
- 161 156 To prevent the sale of intoxicating liquors in the immediate vicinity of soldiers' homes.
- 163 159 Prescribing how judgments which may be recovered against any city and county of over one hundred thousand population shall be paid. Apparently restricted to pre-existing judgments.
- 168 164 Providing an official stenographic reporter to the coroners of cities, and cities and counties, having a population of one hundred thousand or more inhabitants. Superseded as to San Francisco by its charter.
- 169 165 To create the office of fish and game warden.

PAGE CHAP.

1898--Continued.

- 170 166 To create a public school teachers' annuity and retirement fund. Amended 1897:325; 1901:671; 1903:271.
- 191 169 To provide for the letting of contracts for lighting streets and public buildings. Amended 1897:219. Repealed 1903:32.
- 197 174 To provide for the issuing of bonds by reclamation districts, for their disposal and for their payment.
- 204 177 Fixing and regulating the manner of sale and redemption of real property for delinquent street assessments.
- 205 178 To create a court for the town of Berkeley. Unconstitutional (Miner v. Justice's Court, 121 Cal. 264).
- 207 181 Providing for a general primary election in counties of certain classes. Unconstitutional (Marsh v. Hanly, 111 Cal. 368); superseded by Pol. C. §§ 1357 to 1375, added 1901:606.
- 219 182 To provide for the levy and collection of taxes in cities and municipal corporations other than those of the first class.
- 221 183 To provide for the incorporation, operation, and management of co-operative associations.
- 232 187 Authorizing the trustees of the Southern California state asylum to convey certain water rights.
- 238 192 To provide for the appointment and salary of a clerk in the office of the superintendent of public instruction.
- 242 198 Conferring power on the governing body of cities of over one hundred thousand inhabitants to acquire sites for public buildings. Amended 1897:50.
- 247 201 To provide for the formation of protection districts. Amended 1897:219; 1903:328.
- 263 203 To create a bureau of highways. Superseded 1897:443.
- 267 207 To establish fees of county, township, and other officers, and of jurors and witnesses. Unconstitutional as to the requirement of a deposit on the appraised valuation of estates (Fatjo v. Pfister, 117 Cal. 83); also in so far as it provides that justices shall retain fees for their own use (Reid v. Grozinger, 115 Cal. 551); also as to the amount of justices' fees generally (Dwyer v. Parker, 115 Cal. 544); also as to constables in counties of the thirty-fourth class (Kiernan v. Swan, 131 Cal. 410).
- 274 208 To provide for the erection and operation of rock-crushing plants at the state prisons.
- 245 222 To create a commission for revising, systematizing, and reforming the laws of the state, to be known as "The Commissioners for the Revision and Reform of the Law." Amended 1903:479.
- 248 228 Providing for the relief of John J. Conlin. Unconstitutional (Conlin v. Supervisors, 114 Cal. 404).
- 1897.
- 5 5 To provide for the management and operation of railroads above certain elevations.

PAGE CHAP.

1897--Continued.

- 5 7 To require an inventory of state and county property.
Amended 1901:93.
- 7 9 To increase the number of judges of the superior court
of Santa Clara County.
- 9 13 Conferring power upon the governing body of municipal
corporations of the first class to provide for the erec-
tion of a municipal hospital.
- 13 14 To regulate medical practice, to prevent blindness in
infants.
- 13 15 To prohibit the adulteration of honey.
- 21 25 Concerning bridges across navigable streams.
- 22 26 To change and permanently locate the boundary line
between the counties of Butte and Yuba.
- 27 29 To compel all depositaries of money and commercial
banks to publish a sworn statement of all unclaimed
deposits.
- 28 30 To authorize any city or city and county to take its
census.
- 29 32 To legalize certain acknowledgments.
- 30 34 To authorize state agricultural societies to sell prop-
erty held by them in fee. Amended and supplanted
by 1899:106.
- 34 37 Providing for the destruction of municipal bonds where
the same have been executed and remain unsold.
- 37 39 For the protection of the Antwerp messenger or homing
pigeon.
- 44 43 To provide additional support and maintenance, and
for the acquisition of necessary property and im-
provements for the University of California.
- 45 49 To authorize cities to lay out, construct, and maintain
streets to public parks outside their limits.
- 46 50 Authorizing cities and towns to grant franchises for the
construction and maintenance of railroads to public
parks beyond their limits.
- 47 51 To extend the jurisdiction of cities and towns over parks
owned by them outside their limits.
- 47 52 To provide for the appointment of commissioners of the
supreme court. Superseded 1901:273.
- 48 53 To provide for a separate judge for each of the counties
of Yuba and Sutter.
- 51 56 Ceding to the United States jurisdiction over all lands
acquired for military purposes.
- 53 59 To protect candidates for certain public offices.
- 54 60 Relating to salaries of officers of fire departments in
municipalities of the first class. Unconstitutional
(Popper v. Broderick, 123 Cal. 456).
- 55 67 Relating to pension matters and claims against counties.
- 61 70 To provide for increasing the efficiency of fire depart-
ments in municipalities of the first class.
- 65 75 To prevent deception in the manufacture and sale of
butter and cheese.
- 69 76 Defining the different grades of cheese and for branding
the same.

PAGE CHAP.

1897--Continued.

- 72 78 To regulate the salaries of certain officers of the police department in municipalities of the first class. Unconstitutional (Popper v. Broderick, 123 Cal. 456).
- 74 80 To create a commission for the promotion of uniformity of legislation in the United States. Repealed 1901:49.
- 74 81 Relinquishing to the United States the title to certain lands.
- 75 82 Authorising the governing body of incorporated cities or towns, other than cities of the first class, to refund their indebtedness. Amended 1901:274. Unconstitutional in part (Los Angeles v. Hance, 122 Cal. 77).
- 90 87 Fixing the minimum rate of compensation for labor on public work.
- 99 97 To regulate and govern the operation of the rock-crushing plant at the Folsom state prison.
- 106 101 To accept from the Veterans' Home Association the conveyance of a tract of land known as the Veterans' Home. Amended 1903:321.
- 113 103 To enable any county, city and county, city, or town to lease property to any association of veteran soldiers, sailors, or marines.
- 114 105 Establishing a state normal school in San Diego County.
- 115 106 Providing for primary elections. Unconstitutional (Spier v. Baker, 120 Cal. 370).
- 135 107 Providing for the sale of street railroad and other franchises in municipalities. Unconstitutional in part (Pereria v. Wallace, 129 Cal. 307); repealed 1901:265.
- 137 108 To protect citizens in their civil and legal rights.
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- 171 114 Providing for the appointment of an auditing board to the commissioner of public works. Amended 1900:21; 1901:91.
- 177 117 To regulate the width of tires of wagons. Repealed 1900:22.
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- 190 129 To require ordinances and resolutions passed by the legislative body of a municipality to be presented to the chief executive officer for his approval. Unconstitutional as to cities having charters (Morton v. Broderick, 118 Cal. 486).
- 191 130 Relating to the construction of paths and roads for the use of bicycles and other horseless vehicles.
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